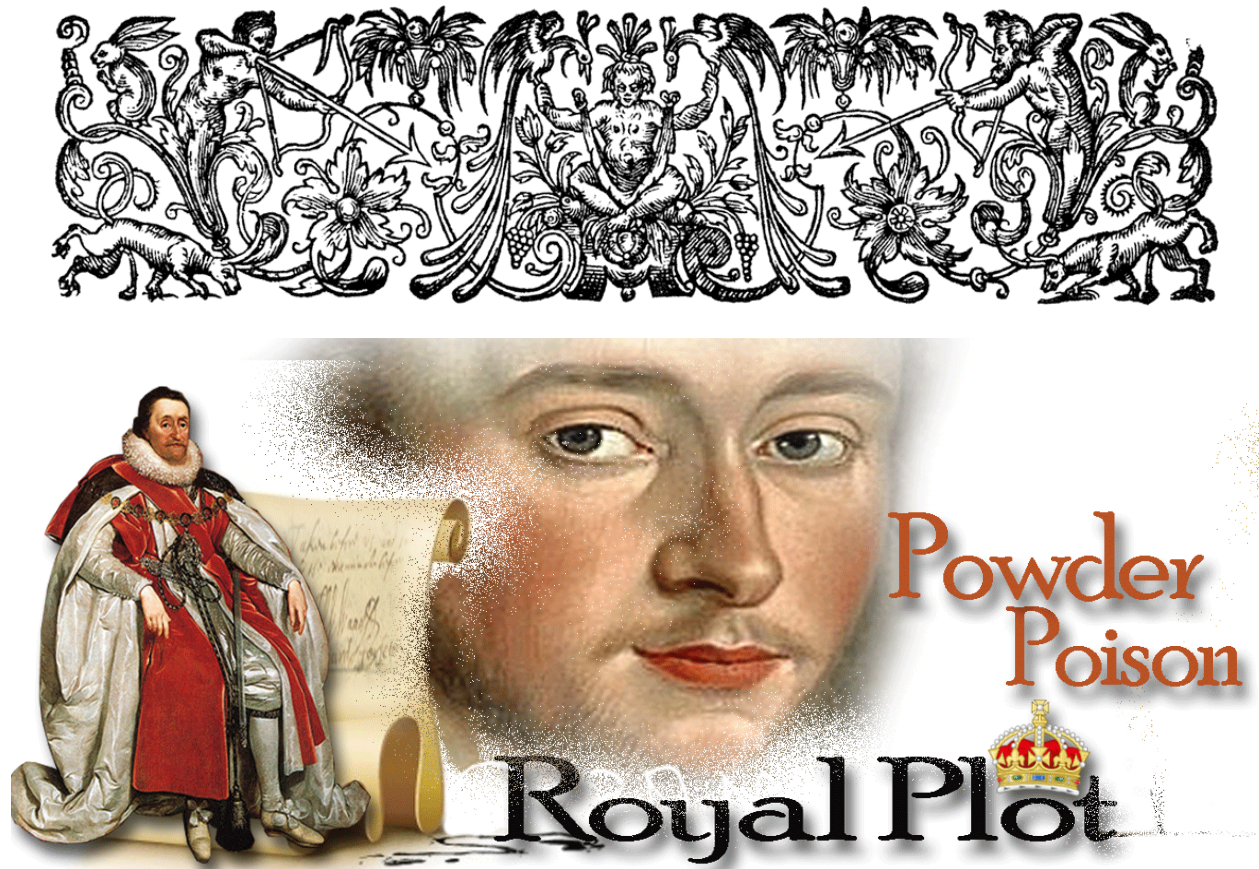




"All plots hatched during King James's reign were founded on very slight evidence against the conspirators and proved one and all, extremely opportune for those against whom they were directed."

C.J. Destombes ¹

The Powder Poison Plot, as the King himself entitled it, which concerned the suspected murder of Sir Thomas Overbury in 1613, was no exception to Destombes's comment given above. When the case was taken to trial, the Lord Chief Justice was Sir Edward Coke (1552-1634), and the Attorney General was Sir Francis Bacon (1560-1626); both men handled the case on behalf of the government and both found grave similarities to another plot, the infamous Gunpowder Plot of 1605.

¹ C.J. Destombes, *La persécution religieuse en Angleterre sous Elisabeth et les premiers Stuarts*, 1883.

Though researching and writing a paper on both plots would be interesting, this work deals exclusively with Overbury's case; a case, unfortunately, which has come down to us mutilated.

We explain.

Procedures in the State Trials are mere scraps with "confessions" of prisoners arrested and produced through the application of torture or fear of it. And, it is necessary to take some notice of how there was no transparency from the side of the State due to the King's direct interference in the Overbury trial procedures, which is witnessed from his own correspondence, and confessing to have burnt documents on the case.

Regardless of these difficulties a researcher faces when unraveling such plots, the contemporary researcher has a vast advantage which old researchers perhaps did not have; and that is, that many secret dispatches and documents, which were once racked and oppressed if you will, have now been brought to light by the passage of time.

The above said, we thought it would be appropriate to flow with events under their dates of happenstance as opposed to referring our readers back and forth through the State Trials, since such a style of writing, to date, has been resolved to add puzzlement on the case. As to the many riddles that will crop up, as we get going, they will be collected and presented at the end of this research and we will try (upon evidence) to solve them.



E.M.D
(Revised 2014)

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THE JACOBAN ERA

“Corruption, indeed, was one of the many vices of the Court and government of this King, and, it may be added, of the King himself.”

Sir James Mackintosh ²

The Jacobean era we delve into was fascinating, cruel, violent, and unjust, not considering of how men were labeled according to their class. Gentlemen made up the first class next to the Prince who was ranked first, followed by the Earls, Dukes, Barons, Lords, Knights, and Viscounts. Below, in second class, were the Burgesses, Lawyers, men called into Knighthood by the Prince, and other types of Gentlemen. An even lower third class existed, which was stabilized with the merchants, yeomen, day labourers, and the retailers; whilst a fourth and final class was termed “the vulgar,” which was comprised of the poor and uneducated people, who if destiny smiled upon them, were lucky to make it past their infancy due to disease, unsanitary conditions, and poverty.

Culture, growth, and progress did little to the city of London itself which displayed dead bodies on scaffolds for weeks and months, even for years, creating diseases and unsanitary conditions. Men were whipped at the cart tail for trivial misdemeanours or pressed to death at Newgate prison, or even stretched upon the rack at the Tower making them inches taller than what God had made them. In addition, ears and noses were mutilated whilst quivering flesh was branded with hot irons.

² Sir James Mackintosh, *History of England* (London: Brown, 1835, Vol. IV.)

Over and above all classes were the King and his Royal Court. It comprehended the fate of the Nation as well as the fate of Princes and Courtiers.³ It was a Court with less observable unsanitary conditions where arts were produced. There was the art of procuring oneself to be surprised; there was the art of writing a letter in which the main point should be casually added or introduced; there was the art of being found reading a letter of which one desired to make known the contents, but not in a direct way; there was the art of laying a bait for a question; and, a whole portmanteau of similar arts, all taken from life. "All," as Sir Francis Bacon said, "of a nature, whereof a man shall find much in experience, little in books."⁴

The historian Lang had stigmatized the Jacobean Court as "perhaps the most corrupt in Europe;" this was due to intelligence received in 1615 that at least 186 Spanish pensions were ordered and distributed from the King of Spain amongst servants and ministers in James's Court. Corruption, indeed, was one of the many vices of the Court and government of this King, and, it may be added, of the King himself.⁵

Nichols (antiquarian) found it melancholic "to think how few of the great men of this era could resist bribery; but our surprise is diminished when we contemplate the corruption of an age in which few offices or honours were not sold, and where, as so frequently appears, the most humiliating devices were formed for raising the royal supplies."⁶

There was even little hope in securing an office should one not go with the flow, as in the case of Sir Henry Wotton, one of those men who had belonged to the faction of the Earl of Essex during the Elizabethan reign, due to his unwillingness to "help himself in Court, where idolatry is necessary."⁷

The observant eye also noticed how "the Court and the Courtiers were everything; the Nation was nothing. And it is important to observe that the Courtiers possessed any power not as Members of the House of Lords, but simply as Courtiers. In this state of things the secrets of the Court comprehended the fate of the nation as well as the fate of Princes and Courtiers."⁸ Little are we surprised then to notice how the Court was dexterously divided into four factions: (1) The Scottish of mixed religion; (2) the Spanish being Roman Catholics;

³ Andrew Bisset, *Essays on Historical Truth*, (London: Longmans, Green, & Co., 1871).

⁴ Sir Francis Bacon, *Advancement of Learning*, Book II.

⁵ Sir James Mackintosh, *History of England*, Vol. IV., (London: Brown, 1835).

⁶ John Nichols, *Progresses*, Vol. III.

⁷ Calendar of State Papers: Giovanni F. Biondi correspondence to Carleton, January 7, 1613.

⁸ Andrew Bisset, *Essays on Historical Truth*, (London: Longmans, Green, & Co., 1871).

(3) the Cecilians who were the Reformers; and (4), the last of the Elizabethans being Protestants. This division lasted throughout James's reign, which vaporized the magnificent "Golden Age" of Queen Elizabeth.

"That King," historian Foster wrote, "was warmly affectionate to those with whom he was in daily intercourse; he never attached himself to a man who was truly great. He mistook flattery for devotion, and, though his own life was pure, he contrived to surround himself with those of whose habits there was no good report. It was easy for his favourites to abuse his good nature, provided they took care not to wound his self-complacency. Whoever would put on an appearance of deference, and would avoid contradicting him on the point, on which he happened to have set his heart at the moment, might lead him anywhere."⁹

Only a handful of historians differ with Foster.

While the Courtiers plied the King on his weak side, with the most extravagant encomiums upon his wisdom, learning, and capacity, extolling him as the Solomon of the age, and flattering him with the epithet of his most sacred majesty, the Nation "in general despised him for his timidity, his ridiculous attachment to worthless favourites, certain low prejudices he had imbibed from nature and education; and they saw, with resentment, his partiality in favour of his own countrymen. These not only engrossed his bounty, but also became so insolent, that daily quarrels arose; assassinations were committed; and the people did not scruple to exclaim that there was a necessity for Scotch vespers, alluding to the massacre of the Provincials in Sicily."¹⁰

Not surprisingly, the King's idea of monarchy, which according to his own words, was absolute: "It is the supremest thing upon earth; for Kings are not only God's lieutenants upon earth, and sit upon God's throne, but even by God himself they are called gods. If you will consider the attributes of God, you shall see how they agree in the person of a King. God has power to create or destroy, make or unmake, at his pleasure; to give life or send death, to judge all, and not to be judged nor accountable to none; to raise low things, and to make high things low at his pleasure, and to God are both soul and body due. And the like power have Kings. They make and unmake their subjects; they have power of raising and casting down; of life and of death; judges over all their subjects, and in all causes, and yet accountable to none but God only. They have power to exalt low things, and abase high

⁹ J.J. Foster, *The Stuarts*, (London: Dickinson, 1907).

¹⁰ T. Smollett, *A Complete History of England*, Vol. VII., (London: Rivington & Fletcher, 1759).

things and make of their subjects like men at the chess; a pawn to take a Bishop or a Knight, and to cry up or down any of their subjects, as they do their money. And to the King is due both the affection of the soul and the service of the body of his subjects.”¹¹

James’s delight of catching witches is well documented, yet while alleged witches were accused of classic witchcraft, the main issue as far as he was concerned, was the plan to murder him; and this was found to be High Treason in his eyes. If it was not the poor suspected witches who wanted to kill him, then it was his Catholic citizens who conspired against him, or even a trusted Courtier. If he detected it was a member of his family, or heard a whisper it was someone who was more eligible than he to be on the throne, then God help the individual from the King’s imagination and wrath to what extent it travelled.

As to how the Jacobean people felt in regards to their King meddling against witches and witchcraft, and perhaps putting himself and his people in danger of their spells, curses, and enchantments, they excused it away by believing “the King is the child and servant of God, and they [witches] but servants to the devil; he is the Lord’s anointed, and they but vessels of God’s wrath. He is a true Christian, and trusts in God, they worse than Infidels, for they only trust in the devil who daily serve them, till he has brought them to utter destruction. But hereby it seems that his Highness carted a magnanimous and undaunted mind, not feared with their enchantments, but resolute in this, that so long as God is with him, he fears not who is against him.”¹²

Remembering some past occurrences on how James would apply to the discovery of witches, there was this simple principal: “Strip the accused persons naked, and thrust pins into various parts of their body, to discover the witch’s mark, which was supposed to be inflicted by the devil, as a sign of his sovereignty, and at which she was also said to suckle her imps. Accordingly, wrap the suspected person in a sheet, having the great toes and thumbs tied together, and so dragged through a pond or river. If she sank it was received in favour of the accused; but if the body floated, the accused was condemned. On these principles of King James, who, in treating of this mode of trial, lays down, that ‘as witches

¹¹ Somers’s *Tracts*, Vol. III., p. 260.

¹² James Rex, *Daemonologie in Forme of a Dialogie Divided into three Bookes*, Robert Waldegrave, Printer to the King’s Majesty, 1597. Cum Privilegio Regio.

have renounced their baptism, so it is just that the element through which the holy rite is enforced, should reject them;’ which is a figure of speech, and no argument.”¹³

One more delight of James can be mentioned before we tread into Overbury’s case, and that is that he loved to tease, if one can term it that. An example can be given, which was with the “conspirators” of the Bye Plot of 1603 who were about to be executed, and all was ready for the prisoners’ execution, and when the executioner had axe in hand, and all prayers and hope had been lost, Council Members rushed up the gallows and stopped the execution only seconds before the axe fell on necks stating the King had pardoned them.

Startling as this royal behaviour may appear, Sir Walter Raleigh (1554-1618) that last great Elizabethan Courtier, had been a witness to this sadistic humour many times as he looked out his cell window from the Tower. And the King would use this same trick again, at least on one of the “conspirators” in the Overbury case, to which we now enter.

¹³ Sir Walter Scott, *Demonology & Witchcraft*, (London: William Tegg & Co.)



THE OVERBURY “CONSPIRATORS”

The “conspirators” in the Overbury case were five; they were directly charged with Overbury’s death by poison. But, not one of them had been found guilty as charged upon evidence, because all charges were based on assumption and hearsay.

This will become clear to our readers as we continue.

The first “conspirator” the government dealt with, in issuing an indictment, was to Richard Weston, because “the accessory cannot be called in question unless the principal [in this case Weston] be first condemned.”

Weston, who became Overbury’s “under-keeper” at the Tower, was a shopman, or assistant to an Apothecary; the name of this Apothecary has never been revealed, but it must have led Weston into the not so underground world of wizardry, drugs, concoctions, and poisons, where for recreation and amusement, Weston got acquainted with other assistants and Apothecaries to share and trade opinions with, concoct and exchange knowledge with, which Weston could thrive upon, since he could not read or write to gather his knowledge from literary works of Alchemy.

Weston then took a position as a servant in Dr. George Turner’s household; this physician was married to Anne Turner, another “conspirator” we will be researching. We do not have inside information of Weston’s exact duties in the Turner household; however, when Dr. Turner died in 1611, Weston was recommended to another household as servant, which was to the Elwaieses: Alderman Elwaies was Sheriff of London and his son (Gervase) became Lieutenant of the Tower ¹⁴ and also will become another “conspirator” we will be researching.

¹⁴ Steve Sheppard, *The Selected Writings & Speeches of Sir Edward Coke*, Vol. II., Liberty fund.

Weston then is heard of being employed in the tailor trade; this is an additional link (if needed) to how Weston's employment as servant in the Turner household crept up, since Anne Turner, apart from fondling with witchcraft, was an occasional seamstress.¹⁵

Anne Turner (or Norton)
(1576-1615)

Next to be indicted was Anne Turner herself, who was termed a "white witch," and was found guilty of witchcraft, which was the only evidence that could be found against her. Anne Turner was the daughter of Thomas Norton from Hinxton in Cambridgeshire and Margaret Lowe. She was raised in the household of a Howard, specifically Thomas Howard (later the Earl of Suffolk) who allowed for Anne Turner to be a nursemaid to his young daughter Frances Howard whose first husband was the 3rd Earl of Essex,¹⁶ and second husband was the King's favourite.



During Anne Turner's stay with the Howards, she was educated with young Frances Howard, and as Nichols says, "was her counselor through all her dark labyrinth of lust and murder."¹⁷ At some point, Anne Turner left the Howard household to marry a Catholic physician, George Turner; from henceforth, she is known as Anne Turner. The Turners, being part of the Catholic underground, were constantly supplied with support from the Catholic Howard family, and as a Catholic physician, it is singular to hear that George Turner was Raleigh's physician whilst in the Tower at the beginning of the year 1605.¹⁸

Dr. Turner will not be the only Catholic physician who elevated besides Protestants, allowing the latter's wellbeing and health to be in the hands of "heretics;" it can almost be believed that this religious tug-of-war between the Catholics and Protestants (during the Jacobean reign) was created in order to gain power and riches. Dr. Turner attained considerable practice during the reign of Queen Elizabeth to whom she favoured him, so that when his theological opinions were in 1602 urged against his election as an elect in the

¹⁵ Major-General, Sir George Younghusband, *The Tower from Within*, (London: Herbert Jenkins, 1919).

¹⁶ (1591-1646)

¹⁷ John Nichols, *Progresses*, Vol. III.

¹⁸ State Papers, James I., Dom.

College of Physicians, Sir John Stanhope and Sir Robert Cecil wrote a letter saying that “his appointment would be pleasing to the Queen, since there was no objection to him but his backwardness in religion in which he is in no way tainted for malice or practice against the State.” The Turners finally settled in Paternoster Row, and who like the astrologer and magician Simon Forman and many others of the period, had or pretended a bias to the study of natural magic and Astrology. “Anne Turner has been rumoured to have been one of Simon Forman’s numerous illegitimate children,” ¹⁹ and is known to have introduced Frances Howard to Simon Forman to get assistance and rid herself of her first husband, the 3rd Earl of Essex.

Simon Forman (1552-1611)



In the *Dictionary of National Biography*, ²⁰ Simon Forman is termed an “astrologer and quack-doctor;” Lyson (historian) terms him as a “celebrated Astrologer,” who was of a respectable family, being the grandson of Sir Thomas Forman, of Leeds. ²¹ His great-grandfather, Sir Thomas, was Governor of Wilton Abbey before the suppression of the monasteries. When the Abbey was made over to William Herbert (Earl of Pembroke), Sir Thomas was allowed to hold “some office about the park.” ²²

Here, if needed, is a link between the amateur Alchemist Pembroke and the Howards, for Pembroke was accused (as will be seen) by Henry Howard to have been Somerset’s “enemy” and “likely to prove an Alchemist,” for trying to “shorten” his days “by strawberries and cream;” meaning, by poison.

¹⁹ Sir Sidney Lee, *Dictionary of National Biography*, Vol. LVII., (London: Smith, Elder & Co., 1899).

²⁰ Leslie Stephen, *Dictionary of National Biography*, Vol. XIX., (London: Smith, Elder & Co., 1889).

²¹ Lyson, *Environs of London under Lambeth*, dated September 12, 1611.

²² Leslie Stephen, *Dictionary of National Biography*, Vol. XIX., (London: Smith, Elder & Co., 1889).

Pembroke was one of the Cecilian factions in the King's Court, and there is a tale, unknown if true, connected with Cecil and Pembroke, where it has been said how "a Scottish noble, George Home (Earl of Dunbar), is said to have been poisoned by tablets of sugar given him for expelling the cold. The tablets were administered by Robert Cecil in 1611."²³ If Cecil had those "tablets of sugar" given to the Earl of Dunbar by his amateur Alchemist Welsh friend Pembroke, is possible; we do not however have enough evidence to say the tale is credible and only note the link, since in 1601, Overbury met Somerset, who was then a Page to the Earl of Dunbar. It does however show an early link of Forman's connections with Somerset and Overbury which is vital to establish at an early stage of this work.

The death of Simon Forman's father on January 1563 left him destitute. His mother neglected him, and made him do tedious work. On February 8, 1567, Simon Forman apprenticed himself to Matthew Comin, who was a general dealer of Salisbury. He was treated well, until Comin's mistress, unknown why, had a serious quarrel with him and left Comin's employment five years later, on June 29, 1572. For a while, Simon Forman became a schoolmaster and earned 40s., for a total of six months. He left Oxford in 1574, and until midsummer 1578 found employment as an usher in several small schools at Wilton, Ashmore, and Salisbury. Early in 1579, when Sir Francis Walsingham was introduced to Queen Elizabeth's notice from France, Simon Forman lodged in the parsonage of Fisherton, and it was about that date that he discovered what he claimed to be his miraculous powers.

"I did prophesy," Simon Forman records in his diary, "the truth of many things which afterwards came to pass, and the very spirits were subject to me." In June 1579 he was "robbed of his goods and books, and, on the information of one William Estcourt, sent to the gaol for sixty weeks, apparently on the ground of practicing magic."²⁴ He was set free July 14, 1580, took to London, and obtained work as a carpenter at Greenwich. In 1583, he set himself up in Lambeth and lived "with good respect of the neighbourhood, being very charitable to the poor, and was very judicious and fortunate in horary questions and sicknesses," says Lilly. "He was much resorted to by all ranks of people; among others the famous Countess of Essex [Frances Howard] applied to him for his assistance in her wicked

²³ Beckmann, *History of Inventions, Discoveries, & Origins*, Vol. I., (London: Henry G. Bohn, 1846).

²⁴ Leslie Stephen, *Dictionary of National Biography*, Vol. XIX., (London: Smith, Elder & Co., 1889).

doings, and wrote many letters to him, in which she calls him 'dear father' and subscribes herself 'your affectionate daughter Frances Essex.'" ²⁵

On June 26, 1603, the University of Cambridge gave Simon Forman a license to practice medicine, ²⁶ but "this Forman," Welldon recounts, "was a very silly fellow yet had wit enough to cheat ladies and other women by pretending skill in telling their fortunes, as whether they should bury their husbands, and what second husband they should have, and whether they should enjoy their loves, or whether maids should get husbands, or enjoy their servants to themselves without corrivals. Before Forman would tell anything, they must write their names to his *Alphabetical Book* with their own handwriting. By this trick he kept them in awe, [blackmail,] if they should complain of his abusing them, as in truth he did nothing else. Besides, it was believed that some meetings was at Forman's house and that the art of bawd was more beneficial to him than that of a conjurer, and that he was a better artist in the one than the other; and that you may know his skill he was himself a cuckold, having a very pretty wench to his wife, which would say she did it to try his skill but it fared with him as it did with Astrologers, that cannot foresee their destiny. I well remember there was much mirth made in the Court [trial of Rochester] upon showing Forman's book; for it was reported that on the first leaf Coke saw he found his own wife's name." ²⁷

Anne Turner also occupied herself as a *modistre* (seamstress): In the department of dress, she had a name in her own sex and age as illustrious as that of Brummel among dandies; as he was the inventor of the starched cravat, she was his precursor in the invention of the starched ruff, or, as it is generally said, of the yellow starch. Whilst married to Dr. Turner, she was already having an extramarital affair with Sir Arthur Mainwaring (or Mannering), which produced "two or three children," if we believe Coke. ²⁸ Historical records mention Mainwaring had been married twice; first in 1623 to Margaret, daughter of Thomas Denny of Holcomb in the county of Devon; the second marriage to Grisilda, daughter of Sir Francis Clerke. Mainwaring never married Anne Turner though he "would have been quite a catch, for in 1609 he had been left a large estate worth £1,500 a year by his cousin." ²⁹

²⁵ Lilly, *History of his Life and Times*, 1774.

²⁶ Ashmole manuscripts, 1763, folio 44.

²⁷ Sir Anthony Welldon, *The Court and Character of King James I*, 1650.

²⁸ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

²⁹ Somerset, *Unnatural Murder: Poison at the Court of James I*, (London: Weidenfeld & Nicolson, 1997).

When Dr. Turner died in 1611, regardless of the antipathies and distastes, he bequeathed in his will the sum of £10 to Mainwaring to buy Anne Turner a wedding ring; a Latin inscription was added inside the ring: *Fato junguntur Amantes*, meaning “may the fates unite the lovers.”

Mainwaring was the son of Sir George and his wife Anne; all three were honoured a dedication in 1611 by Editor Francis Burton in a volume of sermons written by Lancelot Andrewes, entitled: *Scala coeli*: “The right worshipful Sir George Mainwaring of Ightfield, Knight, and to the virtuous Lady, Madam Anne his beloved wife and to the right worshipful Sir Arthur, their son and heir, carver to Prince Henry, Prince of Wales.”

From Burton’s above dedication, we notice how Anne Turner’s lover had been carver to Prince Henry; and, in Bacon’s Household list of Gentlemen waiters is mentioned one “Mr. Mannering,” unknown if it is the same individual. It was said of Anne Turner that she had some “love-powder” secretly administered by her intervention to Mainwaring, “by the effect of which they believed he was made to ride fifteen miles in a dark night, through a storm of rain and thunder, to visit her.”³⁰

Nothing else on the Turners has come to light in regards to their lifestyle; yet as we progress, we will notice some slight thread connected between Dr. Turner’s death in 1611 with Simon Forman’s in the same year.

A third “conspirator” to be indicted in the Overbury case was Sir Gervase Elwaies (son to the Sheriff of London) who became Lieutenant of the Tower whilst Overbury was prisoner there. We receive some information on Elwaies from the correspondent writer of those days who was Elwaies’s “old friend and acquaintance in France.”³¹ How Chamberlain and Elwaies met has never been revealed, but the latter was sent to Cambridge in 1573, studied law at Lincoln’s Inn,³² and was later Knighted by James at Theobalds on May 7, 1603;³³ his father (in 1615) was Sheriff of London.

As to Gervase Elwaies’s character, we are told he was of “mild and gentle disposition;”³⁴ even Anne Turner (in one of her “confessions”) noted that he was better situated to being “a

³⁰ Sir Anthony Welldon, *The Court and Character of King James I*, 1650.

³¹ State Papers, James I., Dom: Correspondence of Chamberlain to Carleton, May 13, 1611.

³² Walter H. Burgess, April 2, 1912.

³³ John Nichols, *Progresses*, Vol. II.

³⁴ State Papers, James I., Dom: Correspondence of Chamberlain to Carleton, May 13, 1611.

Lieutenant for the nuns.”³⁵ It seems Elwaies’s character was contrary to his placement as Lieutenant of the Tower; even more so that he was at the time “somewhat an unknown man”³⁶ around London and the Court.

A fourth indictment issued in the Overbury case, was for James Franklin, a pseudo physician lurking about Jacobean London with much ease at the time. Though he was a physician, he was well-known as “a man who it seems was admirably fitted to be a Cut-throat.”³⁷ Franklin was acquainted with other Apothecaries, Astrologers, amateur Alchemists and witches, and the government found little resistance in adding him into the Overbury net. Much will be given on “witnesses” who were called at Franklin’s trial; not so much to give evidence, but to mislead the public following the trial, and the Judges who were present at the trial.

Finally, we can mention Sir Thomas Monson (1st Baronet)³⁸ who was Master of the Armoury at the Tower; this particular little fish acted as a shark; he was ready to throw daggers at his trial and directly charge not only Overbury, but high level individuals with poisoning Prince Henry (King James’s eldest son) in 1612. It was a charge also mentioned and commented on by Coke as we shall see. Monson was eldest surviving son of Sir John by Jane, daughter of Robert Dighton of Little Sturton in Lincolnshire;³⁹ his elder brother was William, who was Admiral of the Narrow Seas and later discovered to be a secret pensioner of the King of Spain.⁴⁰

Thomas Monson matriculated at the age of fifteen (December 9, 1579) from Magdalen College Oxford but left the University without a degree. He was created M.A. on August 30, 1605, when he accompanied James on a visit to Oxford. He had been honoured a Knighthood by Queen Elizabeth the year of the Armada in 1588, and in 1593 succeeded to all his father’s estates in Lincolnshire and to Dunham Manor in Nottinghamshire. Thomas entered parliament on October 10, 1597, as Member for Lincoln County, and sat for Castle Rising in 1603 and for Cricklade in 1614,⁴¹ just a year before the Overbury scandal broke out. Later, he was appointed Chancellor to Queen Anne, then Keeper of the Armoury at

³⁵ Anne Turner’s “confession” on November 9, 1615.

³⁶ State Papers, James I., Dom: Correspondence of Chamberlain to Carleton, May 13, 1611.

³⁷ *Lives of the Poets of Great Britain and Ireland*, 1753.

³⁸ (1564-1641)

³⁹ Sir Sidney Lee, *Dictionary of National Biography*, Vol. 38, (London: Smith, Elder & Co., 1894).

⁴⁰ Harl. MS., 7002, fol. 281: Correspondence of Sir John Digby to King James (September 9, 1613).

⁴¹ Official Returns.

Greenwich. In June 1611 he was created Master of the Armoury at the Tower and a Baronetcy was granted to him; the next year he was made Keeper of the Naval and other warlike instruments at the Tower.

Thomas Monson's position in the Tower would have made Prince Henry a frequent visitor, since the Prince was an adorer of sports with warlike engagements, "having started in the morning, not to sit down all day long."⁴² It is interesting to read what Michael Maier (Count of the Imperial Consistory)⁴³ had noted on long days of exercise, which came from the ancient Greeks and Romans: "The Ancient Greeks and Romans took a great deal of pains for the evacuating of this latter sort of feces, and to this end did so many sports and exercises, such as the chasing of all parts in the morning, anointing with oil and wrestling, fencing, running, hand-ball, tennis, daily washing and bathing in rivers or artificial baths. And for the convenience of these things so many magnificent structures were built at Rome, which we may rather admire than imitate; such as were the baths of Diocletian, which are for the most part still remaining (and unless I am mistaken dedicated to the Arch Angels), an aspiring, superb and splendid work."⁴⁴

Maier also gives us a tradition of the ancients on swimming, which was another sport adored and much taken towards the evening by Prince Henry after the long day was at a close for him: "The Ancients considered that swimming would of ten times prove a means to save and deliver the body from the dangers of the water, as the knowledge of letters would the mind amidst all the waves of fortune. Swimming is as necessary in war as learning is at home in times of peace."⁴⁵

We will be going into the events of the times when these individuals will constantly be with us, and continue with the initial acquaintance of Thomas Overbury and Robert Carr.

⁴² *Opera Medica*, ed. J. Browne (London: 1701).

⁴³ (1568-1622)

⁴⁴ Michael Maier, *Atalanta Fugiens (The Fleeing Atalanta) New Chemical Emblems of the Secrets of Nature*, (Oppenheim: Hieronymous Gallerus, 1618).

⁴⁵ *Ibid.*,



OVERBURY & CARR

Sir Thomas Overbury
(1581-1613)



Robert Carr
(1587-1645)



Their meeting goes as far back as the year of 1601 prior to when King James entered England as the successor to the English throne.

Overbury was a twenty-year-old bold, original, and ingenious son of a Judge, sent into Edinburgh “on a voyage of pleasure.”⁴⁶ Carr was a fourteen-year-old Scottish Page to George Home (Earl of Dunbar).

⁴⁶ William Benham, *The Tower of London*, (London: Seeley & Co., Ltd., 1906).

The acquaintance of these two men was made through Overbury's Oxford friend, Sir William Cornwallis (1579-1614).

Overbury became a Gentleman Commoner of Queen's College Oxford "in the year of his age fourteen," in Michaelmas Term of 1595 having Overbury's birth about the year 1581. At the age of seventeen, in 1599, being a Squire's son, a Protestant, and an enemy of Spain,⁴⁷ Overbury took the degree of Bachelors of Arts, which being completed by determination in the Lent following, he left University and settled for a time in the Middle-Temple, where he had before entered in order to study the Municipal laws, and became known as "an accomplished person; the happiness of his pen both in poetry and prose doth declare."⁴⁸

On the other side, Robert Carr was termed "a man born of mean parentage, inhabitant in a village near Edinburgh, and there, through the favour of friends, was preferred to his Majesty to be one of his Pages, for he kept twelve, according to the custom of the French, and so continued it as long as he was in Scotland. Afterwards, coming into England, the Council thought it more honourable to have so many Footmen to run with his Majesty, as the Queen [Elizabeth] had before; these youths had clothes put to their backs, according to their places and £50 apiece in their purses, and were dismissed from Court."⁴⁹

Carr, with clothes on his back and £50⁵⁰ in his pocket, went to France where he remained for some time. Sooner than later, the money ran out and he returned to England, instantly attaching himself to the service of Lord Hay (Earl of Carlisle)⁵¹ who was amongst that first objectionable class which under the name of "favourites" brought so much odium on King James's and the succeeding reign of his son, King Charles the first.

Hay was a private man of small means and belonged to the Scottish guard of the French King (Henry IV) who was assassinated in May 1610. He was presented by the French Ambassador to James, soon after the King's first arrival in his English metropolis; and the "British Solomon," as he was called, "who was like a woman in his preferences, was at once so captivated by Hay's manners and appearance, that he took him immediately into his

⁴⁷ William Hepworth Dixon, *Her Majesty's Tower*, Vol. II., (London: Hurst & Blackett, 1870).

⁴⁸ Reeves & Turner (1890).

⁴⁹ Fulke Greville, *The five years of King James, or the Condition of the State of England, and the relation it had to other Provinces*, (London: W.R., 1643).

⁵⁰ To find the equivalent amount in today's money, divide by 100.

⁵¹ (1580-1636)

service, and continued him near his person, graced him with favour, and honoured him with dignities.”⁵²

Welldon says that Hay, “as a complete gentleman, and of great bounty, even though he was termed by some *The King’s Juggler*, envy was rooted especially with Henry Howard, who finally brought down this minion,” in the following manner, still according to Welldon’s account.

“Northampton [Henry Howard] did so hate Hay, that he kept an inquisition on him seven years to prove that he had cozened [tricked] the King of £14,000, which at seven years end at a hearing before the King, Lords, Queen and all the ladies being present with all the gallantry of the Court, ended in one pair of silk stockings given by one for a New Year gift to Master Wels (Sir Robert Mansel’s servant)⁵³ at which the King stood up, and swore very deeply: ‘Do you believe I will take a pair of silk stocking for my £14,000? Give me that; is this all the fruit of seven years commission?’ Which words Hay kneeled down, and said, ‘I will now Sir, take all the faults they can charge my servant with upon myself;’ at which the King was angry that so noble a gentleman, who had so well acquitted himself upon the honour he entrusted.”⁵⁴

When Carr travelled to France with £50 in his pocket before entering the King’s Court, Overbury had remained in England, and at the age of twenty-two, in 1603, became a member of the King’s Privy Chamber and servitor-in-ordinary.⁵⁵ He was not however in favour at this time, or in the King’s Court, but this soon changes when “the rising of Mr. Carr was most remarkable,” Greville tells us.

In 1605, Overbury succeeded a position to carry dispatches between Spain and England for his Ambassador father and gained the friendship of Ben Jonson,⁵⁶ who by this time was acting as a plant during the Gunpowder plot. If Overbury assisted in mounting up any “evidence” against the gunpowder conspirators (together with Ben Jonson) is nowhere

⁵² Michael Sparke (aka *Scintilla*), *Truth Brought to Light and discovered by Time or a Discourse and Historical Narration of the first XIII years of King James his Reign*, (London: Sparke, 1651).

⁵³ Sir Robert Mansel was Vice Admiral of England.

⁵⁴ Anthony Welldon, *Court and Character of King James*, (1645).

⁵⁵ One that performs the duties of a servant to another; an attendant.

⁵⁶ (1573-1637) Actor, poet and playwright.

recorded; but Overbury would have had that capability and perhaps his elevated position to travel as Ambassador abroad was due to his assistance in the powder treason.

As to documented information for the years 1601 to 1605 there exists none that relates to Overbury as Member of the King's Privy Chamber apart from what has already been given.

Four years after the Scottish King takes to the English throne, the autumnal skies of 1607 appeared to favour Carr to appear at the King's Royal Court in the suite of Hay, due to the latter having to perform in a tilting match, and young Carr was sent as Hay's "device" to the King (according to custom) acting as his Esquire. Upon this event, Carr was thrown from his horse fracturing his arm in the King's presence. "How the great men flocked then to see Carr and to offer to his shrine in such abundance that the King was forced to lay a restraint least it might retard his recovery by spending his spirits and to facilitate the cure. Care was taken for a choice diet for Carr and chirurgions [surgeons] with his attendants. No sooner recovered, Carr was proclaimed favourite." ⁵⁷

Sir Théodore Turquet de Mayerne
(1573-1655)



No doubt Sir Théodore Turquet de Mayerne, born in Geneva, arrived to England to take "under his care a Gentleman of quality, who on his recovery brought him to this country." ⁵⁸ We believe this "Gentleman of quality" was no other but Carr, who the King wished "a choice diet for." After Carr's recovery, Mayerne "had a private conference with the King, and returned to Paris;" he remained there till the assassination of Henry IV.

This "physician," if we can give him that term for those times, is known to be one of the most famous with a thriving practice among the elite, as can be seen by the intended

⁵⁷ Anthony Welldon, *Court and Character of King James*, (1645).

⁵⁸ *Medical Dictionary of Physicians*.

recipients of his recipes in his medical cases, and received an immense sum by his practice. He was once consulted by a friend who laid two broad pieces of gold upon the table: “The physician put them into his pocket; the friend was disturbed at the pocketing, but Mayerne said: ‘I made my will this morning, and if it should appear that I had refused a fee, I might be deemed *non compos*,’”⁵⁹ meaning not of sound mind. He was also known and “affords a tolerable specimen of credulity and superstition,” Dr. Wadd tells us; “his powder for gout had, among other things, rasping of a human skull unburied; for hypochondriacs, an ointment made from adders, bats, sucking whelps, earth-worms, hog’s grease, marrow of a stag, and of the thigh bone of an ox. Other medicines concocted, was of the lungs of a man who had suffered a violent death, the liver of frogs, the blood of weasels, and many other ingredients, worthy of the witches’ cauldron, were specifics with this great doctor.”⁶⁰

Mayerne was in the habit of crafting his medical portrait for his patients, moving from evaluation, through diagnosis, prognosis, and therapeutics, and focused on those moments when theory and practice merged to form an integrated medical outlook that served as the basis for action. These medical portraits (or journals) had the cases of nearly all nobility including Cecil, Prince Henry, and Overbury’s. Peculiar or not, the latter three cases are no longer extant; they have been “cut out” as Osborne will tell us further in this research, which is corroborated by Dr. Wadd’s research.

Closing Mayerne’s brief biography, he died of “the effects of bad wine,” Granger (historian) tells us; “a flow which the weakness of old age rendered a quick poison. He foretold the time of his death to his friends, with whom he had been moderately drinking at a tavern in the Strand; and it happened according to his prediction.”⁶¹

Returning to our protagonists, David Hume (historian) notes that “so long as Carr was content to be ruled by Overbury’s friendly counsels, he enjoyed the highest favours without being hated by the people,” being a Scots. This shows some of Carr’s character, and more comes from Welldon who Carr as “an inexperienced and uninstructed youth, given to pleasure, greedy of gain, intoxicated by his sudden elevations, disliked by the people because he was a Scotchman and getting all the good things, and having an interest in the King’s affections, which gave him an influence over his Councils greater probably than the

⁵⁹ William Thoms, *Anecdotes & Traditions*, (London: Camden Society, 1839).

⁶⁰ William Wadd, *Mems. Maxims & Memoirs*: (London, Callow & Wilson, 1827).

⁶¹ Granger, *Biographical History of England*, Vol. II., 1779.

King was aware of.”⁶² In other words, young Carr was newly rich and rightly being “intoxicated” by “sudden elevations” continued to elevate; did continue to be favoured; did continue to be searched for and flattered by those who foresaw the power he was gaining. All knew that one follows the one whose power is secure, and so Carr is finally Knighted on December 24, 1607, and made a Gentleman of the King’s Bedchamber.⁶³

Carr’s relationship with the King during this time is described by Thomas Howard in his letter to Lord Harington,⁶⁴ who was one of the most noted characters in the reign of Elizabeth; he was also her godson: “The Prince [King James] leans on his [Carr’s] arm, pinches his cheek, smoothes his ruffled garment, and, when he looks at Carr, directs discourse to divers others.”

Babbling gossip has the capricious Howard faction hate the young upstart Carr, even though they stooped to solicit his favour for themselves and their kinsmen as others were doing. Worse still, is what Francis Osborne (author) says on how “the setting up of Carr’s golden calves cost England more than Elizabeth spent in all her wars.”⁶⁵ Worse for them actually, because if ever they needed to rid themselves of Carr, it would take much more than all of Elizabeth spent in her wars; and, the Overbury case seemed to be worth setting up as early as 1614 to rid themselves of Carr when the King had set his eye upon his new favourite, the much noted George Villiers.

Whilst the King and his Courtiers were creating Carr’s calves from gold, England was suffering economically. In a naive manner, the King was caricatured in Brussels being portrayed in a hose doublet, with empty pockets hanging out, and an empty purse in his hand.⁶⁶ Regardless, by the end of February 1608, Sir George Chaworth writes to the Earl of Shrewsbury, how “Sir Robert Carr is now the especially graced man.”⁶⁷

How was Robert Cecil the Lord Treasurer⁶⁸ and his Secretary Levinus Munck taking all this? Well, young Carr becomes scornful of Cecil for “crossing him in his plunder of the public treasury,”⁶⁹ says Osborne. What happened on this occasion was that the King gave

⁶² Anthony Welldon, *Court and Character of King James*, (1645).

⁶³ John Nichols, *Progresses*, Vol. II.

⁶⁴ (1561-1612)

⁶⁵ Francis Osborne, *Traditional Memoirs of the Reigns of Queen Elizabeth and King James I*, 1658.

⁶⁶ John H. Jesse, *The Court of England*, Vol. I., (London: Henry G. Bohn, 1857).

⁶⁷ Lodge, Vol. III. p. 366.

⁶⁸ (1563-1612)

⁶⁹ Francis Osborne, *Traditional Memoirs of the Reigns of Queen Elizabeth and King James I*, 1658.

the Lord Treasurer Cecil the order to give his favourite Carr the sum of £20,000; a monstrous sum for its times. Cecil disagreed without voicing it; he could not believe that such a large sum should go to the King's favourite, an illiterate after all, only learning to read and write properly through the King's tutoring. Cecil, who was immersed in secret schemes from childhood, held back for a while to evade payment, and orchestrated a sneaky but effective way not to waste £20,000 on this Robert Carr, a petty Page. Cecil took £5,000 from the £20,000, piled it up on papers and spread the heap in a passage gallery. He then invited the King for breakfast. At one point, he took the royal personage through the gallery, allowing the King to demand whose money that was. Cecil answered, "that is but the fourth part of that which your Majesty had given to Sir Robert Carr," whereupon the King threw himself upon the heap of money, and scratching out two or three hundred pounds, swore young Carr should have no more.

Good work for Cecil.

Osborne adds that Cecil, "not caring to incense the minion too far, gave him half of the sum originally mentioned in the King's order." ⁷⁰ Roger Coke (Sir Edward Coke's grandson) notes that Cecil only gave Carr what was spread around the gallery being £5,000. ⁷¹ Regardless what was given, it is absolute that this fast elevating individual was not given the original amount of £20,000, if we know Cecil well enough.

Michael Sparke (author) said this occurrence brought Carr to "being thus crossed in his expectancies, [and] harboured in his heart then, a hope of revenge, [against Cecil,] which after happened, as was suspected, but it was not certain, therefore I omit it." ⁷² Sparke alludes to Cecil's death in May 1612 suspected to have come from being poisoned, and Carr the instigator. Cecil himself alluded to it in his last letter to the King, which we will produce on the date it was written.

However we see the subject of "favouritism," it existed; and, "it has often been urged against [Queen] Elizabeth as one of her worst faults; but, in excuse for her, it can at least be said that those on whom she bestowed her favour held rank amongst the most gallant of her subjects; and, if we are obliged to dwell upon the scandal which this occasioned, we must not forget her position and celibacy, and the sex of her favourites. Her successor chose to

⁷⁰ Francis Osborne, *Traditional Memoirs of the Reigns of Queen Elizabeth and King James I*, 1658.

⁷¹ (a) Somers's *Tracts*, Vol. II., p. 270; (b) Roger Coke, *A Detection of the Court & State of England*, Vol. II., (London: Bell at the Cross, 1717).

⁷² Michael Sparke, *Truth brought to light by Time*, 1651.

gratify his inclinations by selecting from his own sex such as possessed personal recommendations only, for to a handsome countenance and well-shaped limbs, he was as sensitive as a schoolgirl; and no jilt on record ever abandoned the object of her attachment for a more desirable lover than did the King give up his preference when a more attractive candidate for it was presented to his attention.”⁷³

Overbury's Knighthood came on June 19, 1608, a year after Carr's, at Greenwich when the former turned twenty-seven. Though such an age to us seems young in years, in those times, reaching such an age was the result of sheer luck or being blessed by some fortunate and comfortable life; and men within such class as Overbury stood, this age was considered middle-aged. So it could be said that Overbury began to rise in his late years, whilst Carr in his younger.

Around this same time, the Venetian Ambassador in England, Nicolo Molin, writes to the Spanish King: “The [English] navy has fallen off greatly from the days of Henry VII and Henry VIII when it consisted of upwards of 100 ships, fully manned and found, with officers on full pay, ready to put to sea in force at a moment's notice. Now it numbers only 37 ships, many of them old and rotten, and barely fit for service. I know not if this is the result of negligence or of a desire to save the money; anyway, these few vessels and those of private persons and even foreigners, which King James could use on occasion, would be sufficient not only for defense, but to a certain extent for offence as well. These ships, scattered about the Kingdom, represent a fleet of upwards of 200 sail, not counting the foreigners, nor would it be difficult to fit them out, for England is as well supplied as any country with artillery, powder, and arms, and more important still, is full of sailors and men fit for service at sea. It is true that if England remains long at peace, and does not make up her mind to keep up a larger navy, and to stop the sale of ships and guns, which is already going on, she will soon be reduced to a worse condition. For the King does not keep more than three vessels armed, and that not as they used to be, and private individuals have no need to keep theirs armed, for the crown is at peace, privateering forbidden, the Indian trade half stopped, and people do not know what to do with their ships and so take to selling them, and their crews take to other business.”

⁷³ Thomas Birch, *Court and Times of James the First*, (1848).

In the meantime, the French think it appropriate to secure Prince Henry to their interest; Secretary Villeroy writes to de la Boderie from Fontainebleau, on July 18, 1608: “The French King Henri had told him, he had more desire than ever to seek the friendship of the Prince of Wales, and for that purpose, to gratify those about him, as that Ambassador thought fit.”

And, in complete loneliness, Cecil tries very hard not only to deter money going to the minion, but also had to endure harassment for unpaid payments coming from the Prince’s Household; a consequence that the Royal Exchequer was so exhausted, that the Prince had his share in the inconveniencies arising from the ill economy of the King or his Ministers.

“The Officers and servants of James’s Household,” Thomas Birch noted, “were so distressed for want of the payment of their arrears, that a considerable number of them stopped the Earl of Dorset (Lord High Treasurer) in his coach in the open street, as he was returning to his house and would not suffer him to pass until he had promised them payment. And the Prince’s Purveyors at the same time refused to continue furnishing him with provisions which occasioned the Prince to send a peremptory message to the Lord Treasurer for money.” ⁷⁴

The exact date of when Frances Howard (1590-1632) came into King James’s Royal Court is unknown. We do however have an early anecdote which circulated of her intrigues, allegedly with Prince Henry. Whether the anecdote was true is impossible to substantiate, but from internal evidence, it does not seem likely to have been.

It was mentioned a peculiar attraction existed between Frances Howard and the young Prince, which was only coming from a mysterious letter sent to the Prince’s tutor from Kew and signed “Haryngton,” on August 3, 1608. The letter hints at a liaison with an unnamed lady whom the Prince “may meet in the days and part at night, and shame many tongues that might depend on the other course.” The writer recognizes “the comforts they conceive in each other’s company, and will be readier to further all occasions may draw them together.” ⁷⁵

Contemporary writers have speculated this lady mentioned in the mysterious letter may suggest Frances Howard. While we appreciate the peculiar content of the letter, the Prince detested the Catholic Howard family, and there is grave support from Courtiers and their correspondence of the day to substantiate this. “The tale of Prince Henry and Lady Essex

⁷⁴ Thomas Birch, *The Life of Henry, Prince of Wales, eldest son of King James I*, 1760.

⁷⁵ Lansdowne Manuscript No. 77, p.156.

having been locked in a room may not be true;" ⁷⁶ besides, the Prince was only fourteen at the time. On the other hand, we are told that Frances Howard, being eighteen at the time, was from an early age fallen "into evil courses, as to the prostitution of her body to common lust, to practices of sorcery and enchantments, and to many little less than a flat bawd." ⁷⁷ Yet, her "honour" was not attacked openly, only mentally by the Courtiers and later in their letters.

Frances Howard was the daughter of Thomas Howard (1st Earl of Suffolk) who was later elevated to Lord Treasurer by the year 1615. Her great uncle was Henry Howard (1st Earl of Northampton) ⁷⁸ the "Catholic intriguer" as he was called, who had very early joined with Cecil in courting the heir to the throne in Scotland; the main object of his long letters of advice being to poison the King's mind against the Elizabethans, in particular against Raleigh, whom Howard at the same time hoped to ensnare into compromising relations and correspondence with Spain.

Howard's affection to popery appears in a letter from Cardinal Bellarmine: "However the condition of the times compelled Howard and his Majesty urged him to turn Protestant, his heart stood with the Catholics, and he would be ready to further them in any attempt." ⁷⁹

No argument can overwhelm the fact that Henry Howard had been receiving a Spanish pension (as Cecil had) as early as 1582, though Cecil began receiving his pension from the year 1604. ⁸⁰ Letters from the Spanish correspondence will be entered upon this subject upon the dates they were written.

For now, we can say that these treacherous methods of many English Ministers were successful with King James, and on his accession to the English throne in 1603, the Howards received a multitude of favours. In 1603, Henry Howard was made a Privy Councilor, and in 1604 he was made Lord Warden of the Cinque-ports ⁸¹ and was given an Earldom of Northampton including Baron Howard of Marnhull in Dorset.

Sparke tells us more: "Henry Howard, continuing a Papist from his infancy being famous for his learning, having been trained up a long time in Cambridge, by the persuasion of the

⁷⁶ William Hepworth Dixon, *Her Majesty's Tower*, Vol. II., (London: Hurst & Blackett, 1870).

⁷⁷ Fulke Greville, *The five years of King James, or the Condition of the State of England, and the relation it had to other Provinces*, (London: W.R., 1643).

⁷⁸ (1540-1614)

⁷⁹ *History of England*, (London: Pemberton, 1730).

⁸⁰ Sir John Digby's letter to King James, September 1613.

⁸¹ Cinque-ports: Five English havens lying towards France.

King, changes his religion in outward appearance, and to the intent to reap unto himself new honours. Became a Protestant, from which cause he was created Earl, and had the King's favours bountifully bestowed upon him: First the office of Privy Seal, then the Wardenship of the Cinque-ports. This man was of a subtle and fine wit, of a good proportion, excellent in outward courtesy, famous for secret information and for cunning flatteries, and by reason of these qualities became a fit man for the conditions of these times. He was suspected to be scarce true to his sovereign, but rather endeavouring, by some secret ways and means, to set and broach new plots to procure innovation. The Papists being a strong faction, and so great a man being their favourer grew into great malice. In this man [Overbury] may we see the misery of such as fall into the hands of Popish Catholics, for by Henry Howard's means was this strictness shown towards him." ⁸²

The expression "Popish Catholics" is explained by La Boderie, the French Ambassador in England from 1600 to 1611: "I notice a distinction which at that time seemed to be made in England between Catholics and Papists. Catholics being those who only seek the exercise of their religion under the obedience of the Prince; Papists being those who wish to spread some doctrine to his prejudice in favour of the Pope."

In December 1608, the following letter leaves the Tower from Raleigh, addressed to Carr. Regardless of how Prince Henry intervened in the matter, all of Raleigh's estates were transferred to the minion leaving in total destitute the Raleigh family.

Sir Walter Raleigh to Sir Robert Carr ⁸³

December 1608

Sir, After some great losses and many years sorrows (of both which I have cause to fear I was mistaken in the end) it is come to my knowledge, that yourself, whom I know not but by an honourable fame, had been persuaded to give me and mine our last fatal blow, by obtaining from his Majesty the inheritance of my children and nephews, lost in the law for want of a word.

This done, there remains nothing with me but the name of life, despoiled of all else but the title and sorrow thereof. His Majesty, whom I never offended, for I hold it unnatural and

⁸² Michael Sparke (aka Scintilla), *Truth Brought to Light and discovered by Time or a Discourse and Historical Narration of the first XIII years of King James his Reign*, (London: Sparke, 1651).

⁸³ *The Life of Sir Walter Raleigh*, (London: Knevett, Arliss, & Baker).

unmanlike to hate goodness, stayed me at the grave's brink; not, as I hope, that he thought me worthy of many deaths, and to behold all mine cast out of the world with myself, but as a King, who judging the poor in truth, has received a promise from God that his throne shall be established forever.

And for yourself, Sir, seeing your fair day is but now in the dawn and mine drawn to the evening, your own virtues and the King's grace assuring you of many favour and much honour, I beseech you not to begin your first building upon the ruins of the innocent; and that their sorrows, with mine, may not attend your first plantation.

I have been ever bound to your nation, as well for many other graces, as for the true report of my trial to the King's Majesty. Against whom, had I been found malignant, the hearing of my cause would not have changed enemies into friend, malice into compassion, and the minds of the greatest number then present into the commiseration of mine estate. It is not the nature of foul treason to beget such fair passions. Neither could it agree with the duty and love of faithful subjects, especially of your nation, to bewail his overthrow who had conspired against their most natural and liberal Lord.

I therefore trust, Sir, that you will not be the first that shall kill us outright, cut down the tree with the fruit, and undergo the curse of them that enter the fields of the fatherless. Which, if it pleases you to know the truth, is far less in value than in fame. But that so worthy a gentleman as yourself will rather bind us to you (being, Sir, gentlemen not base in birth and alliance) who have interest therein.

And myself, with my uttermost thankfulness, will ever remain ready to obey your commands.

WALTER RALEIGH

In the same month, the King jiggles with delight, for "the Earl of Mar declared to the Privy Council, that some women were taken in Broughton as witches, and being put to an Assize, and convicted, albeit they persevered constant in their denial to the end, yet they were burned quick [alive] after such a cruel manner that some of them died in despair, renouncing and blaspheming [God]; and others, half burned, broke out of the fire, and were cast quick in it again till they were burned to the death." ⁸⁴

⁸⁴ Sir Thomas Hamilton, Minutes of Proceedings in the Privy Council of 1608.

A year later, Overbury travels around Europe by license of the King; he leaves England in 1609 and arrives to The Netherlands from where he then travels to France and remains on these travels until the early months of 1611. Overbury's commission was to collect his observations of these travels, which were later printed in a small pamphlet in 1626, entitled: "Sir Thomas Overbury's Observations in his travels upon the State of the seventeen Provinces, as they stood Anno Domini 1609. The Treaty of Peace being then on foot." By the content of Overbury's pamphlet, it is clear he is under the web of intelligence, just four years prior his own imprisonment and death. Being sent abroad to collect observations was a neat way of camouflaging a spy; so Overbury may appear to many to have been no better than "a pander" to the vices of the King, and privy to his dangerous secrets, but as Mary, Queen of Scots would have said, a spy "of doubtful credit who make a show of one thing and speak another."

Whilst away on his special envoy, Overbury was procured the Office of Sewer to the King, which was "signed through the importunity of Sir Robert Carr;" and a lease was also granted to Overbury, "of twenty-five bullaries of salt water, with cribs, stalls, and other appurtenances in Droitwich, Worcestershire, parcel of the possessions of Robert Winter attainted." ⁸⁵

In the meantime, Nonsuch Library is acquired for Prince Henry, and soon the addition of valuable pictures and medals is to illustrate yet another aspect of his varied activities, and ultimately to form the nucleus of the celebrated collection for his brother Charles. Their father, in another parallel universe confronts Parliament; again talking more of his royal prerogative than business of State.

With Overbury still abroad, and the King pinching his minion's cheek, the tilting armour celebration takes place where Prince Henry is noticed to attend in January 1610. The feast is organized at the Palace of Whitehall in the presence of the King and Queen, Ambassadors of Spain and Venice, and all Peers of England. Overbury, still in France, probably had noticed how Paris was so unhealthy that the French King and his Court vacated the Louvre regularly, so that it should be aired and cleaned. The better class of citizens did the same.

Religion was in a stormy time. The old original religion, that had been of the whole of Europe, which formed in those days the whole of the world worth counting, until something

⁸⁵ State Papers: December 3, 1609.

under a century earlier, had everywhere received shocks. England was gone from the old religion, so too were many German and more northern States, and half of the States of the Swiss Confederacy had embraced Protestantism, or were about to do so.

In King Henri's followers (in spite of his own two-fold apostasy) were now becoming more and more numerous, since at this time (namely, the latter half of his reign) the Edict of Nantes consolidated their power and their safety.

François Ravallac
(1578-1610)



The cloak-and-dagger character, François Ravallac, was born of very humble parents at Angoulême, and was only thirty-two when he assassinated King Henri. It has been said “that his mental faculties were very weak,” and whether this is true or not, “he was connected in the assassination of Francois, Duc de Guise, at the Siege of Orleans.” He later emancipated himself from this servile state of existence which was not at all in accord with his desires, and he managed to set up as a petty provincial solicitor and a conductor of small cases in local courts, a term then of *solliciteur*

de procès. “Ravallac’s earnings were meager; he supplemented by teaching the children of his own class how to read and write, but even with this addition to his means he was scarcely able to procure bread.”⁸⁶

At this time, Ravallac was thrown into prison by some creditors, and during this period his mind became more impregnated with fanaticism than before.

It is noted that Ravallac was an educated man in 1610 of France; a rare if not exceptional commodity of the times, even more so, since his parents were living off their neighbours to survive poverty. On attaining his release from prison, Ravallac became a novice of the order of *Les Feuillants*, but his extraordinary behaviour caused his probation to be cut short by summary dismissal from the monastery. Nothing disheartened, he became a member of the Society of Jesus that was now in league with the infamous Council of Ten.

In spite of the disordered state of Ravallac’s intellect, his course of life seems to have been lived honestly and was a good son to his mother, who worshipped him. A false charge

⁸⁶ John Bloundelle-Burton, *The Fate of Henry of Navarre*, (New York: John Lane Co., 1940).

was, nevertheless, brought against him of having been concerned in a murder that took place at this time and, though he was instantly acquitted of any share in it and discharged with honour, he was at once thrown back into prison on account of the debts which he had accumulated in providing for his defense. Once again behind bars, now Ravaillac was a perfect victim to be manipulated by whoever was interested in obtaining the services of his qualities and character.

On May 14, 1610, Ravaillac stabbed King Henry the fourth of France, who died almost instantly from the wounds. But we need to leave this intriguing subject, to continue.

The French King, with concentrated vigour, had the grandest schemes before he died, and which the English Prince Henry was “not only acquainted with the secret, but was engaged in the design,” Wellwood tells us; ⁸⁷ and deserves particular mention because it is not only one of the probable motives of the death of these two intellects, but also the sperm of today’s European Union.

The Prince was now coming prominently to the front; his precocious intelligence, the maturity of his judgment, and the strong interests he develops simultaneously in many divergent directions, mark him out as a character of no common order. His attention to public affairs, his correspondences with Ambassadors, his relations with royal personages abroad, especially with the Court of France, are what might be expected of a man of twenty-five rather than of a teenager. He has interest in ships and naval affairs, commerce, and discoveries, and especially in the colonization of America by the English, that creates a buzz not only in England but also around Europe.

The Prince made a study of the West Indies, and Thomas Birch says, “it was his expressed desire, if the King his father should on any occasion think proper to break [go to war] with Spain, that he would himself, if his Majesty would permit, undertake the execution of the attempt against the Spanish possessions in America.” ⁸⁸

How appropriate was this proposal to King James, is anyone’s guess; a King who had never handled a sword and trembled in fear if war was ever mentioned in his presence. The “Golden Age” of the Tudor era was over as far as this Stuart King was concerned. But the King’s son, filled with martial ardor, always studying military problems, and devoted to every form of sport, had nothing of the pedant about him. Excelling in all exercises, especially in

⁸⁷ Wellwood’s *Memoirs*, p. 20.

⁸⁸ Thomas Birch, *The Life of Henry, Prince of Wales, eldest son of King James I*, 1760.

riding, the Prince's magnificent collection of horses, of home and foreign breed, soon became famous. Supreme perhaps, above all his striking qualities, is his love of the sea, and enthusiasm for everything concerning ships, which he displays in frequent visits to Woolwich,⁸⁹ to watch the progress of those under construction. In this he shows himself a true son of England.

The services of the great French engineer, Solomon de Caus of Dieppe, is for some time in the service of this Prince, coming to London to teach him drawing and also working for the Court and the nobility as a garden architect. In addition, de Caus is commissioned by Prince Henry to build a room at Whitehall, for the special purpose of housing his collection of pictures, to be known as the Cabinet Room, and stood on the site subsequently occupied by Melbourne House. Marc Antonio Correr, the Venetian Ambassador in England, gives us his account: "His Highness attends to the disposition of his houses, having already ordered many gardens and fountains, and some new buildings. He is paying special attention to the adorning of a most beautiful gallery of very fine pictures, ancient and modern, the larger part brought out of Venice. He is also collecting books for a library he has built."

Looking back at the mind which gathered together so valuable a collection of pictures, and objects of art, in so short a time since all must have been done in the last few years of his brief life, the question arises: What opportunity had this Prince enjoyed for forming such a taste? Could it be that the Prince was accumulating all this literature and art treasure as collateral, some lucrative source to fall back upon for money when he engages in his Grand Design with King Henri?

It is definite English coffers was not replete with funds for such a design these wits were planning. Reflecting deeply upon the wars with which Europe had ever been desolated, and seeing the occasion for this in the innumerable States and Nations into which Europe was divided of various degrees of power, each struggling for its own selfish interest, King Henri and Prince Henry proposed to unite all the States of Europe in one vast Christian Republic. The whole Continent was to be divided into fifteen States, as uniform in size and power as possible. These states were to be, according to their choice, Monarchical or Republican. They were to be associated on a plan somewhat resembling that of the United States seen today. The union proposed to prevent religious quarrels. Wherever any one form of faith

⁸⁹ The private shipyards were at Blackwall, Rotherhithe, Deptford and Woolwich (not counting the royal dockyards).

predominated, that was to be maintained as the national faith. In Catholic States, there were to be no Protestants; in Protestant States, no Catholics. The minority, however, were not to be “exterminated;” they were only to be compelled to immigrate to the countries where their own form of faith prevailed. All pagans and Mohammedans were to be driven out of Europe into Asia.

To enforce this grand change or design, an army of 270,000 infantry, 50,000 cavalry, 200 cannon, and 120 ships of war, was deemed amply sufficient. But the first step was to secure the co-operation of two or three of the most powerful Kings of Europe, those being England, Denmark and Sweden, which would render success almost certain.

To command this type of power mentioned in this prophetic design, Raleigh was imperative for the English; so from Prince Henry’s side, he constantly sort for Raleigh’s release from the Tower, who was imprisoned since 1603 when condemned for the “Bye” and “Main” plots. A release was finally granted from King James for December 1612. Yet one month shy before this happened, the Prince dies on November 6, 1612, by poison and we shall give very strong evidence for this claim.

So, Raleigh’s freedom was abandoned, and no other Prince or Sovereign ever took up the design to unite Europe again until 1993, an average of 380 years later. Even if Prince Henry had lived, it would have been exceptional, if not impossible, his father to allow Raleigh leave the Tower; the great Elizabethan Courtier was hated from the very beginning by James, Cecil, and the Howards who were now infesting the King’s Royal Court and Chambers like the plague. It is true the Prince was more inclined toward the Elizabethan style than to the Stuart; he leaned toward art, military, and architecture, whilst his father leaned against, on, under, or over handsome male Courtiers who governed England.

Nonetheless, the French Minister, the Duke of Sully (1560-1641), examined the plan to unite Europe with care in all its details. King Henri wished first to secure the approval of England, Sweden and Denmark, as mentioned; in the meantime, all was prepared for his departure to take command of one of his armies which was about to attack the Spanish forces, or rather those of the House of Austria, which was practically the same thing, since Spain and Austria were never disunited until the first Bourbon King ascended the throne of Spain on the death of Carlos II of that country.

The attack was to be a strong one: Of the thirteen armies, some were opposed to the Spaniards in Holland, some in Italy, some in Germany and some in Spain, while it is

interesting to us, if not to those of other lands, to note that the commanders of these armies were nearly all to be Protestants. Among them were Sully and his son, the Marquis de Rosny, and his son-in-law Due de Rohan, as well as La Force and Les diguières including Prince Maurice of Nassau, several German Protestant Princes, the Kings of Sweden and Denmark, and last, but not least, the English Henry, Prince of Wales and apparent heir to the English throne with Sir Walter Raleigh at his side.⁹⁰

Great history is that which has not been written, we can say.

We do not know the force of soldiers and artillery that Prince Henry would have supplied; all his letters on this design were burnt (as they say) when he died. However, Minister Sully kept the Prince's contribution of artillery and soldiers from letters sent to him. They give us a small yet important glimpse of the Prince's commitment to unite Europe with the French King: "He wrote me several letters upon this subject, and expressed himself in the manner I have mentioned. He also farther said, that the King of France might depend on having 6,000 foot [soldiers] and 1,500 horse, which he would oblige himself to bring into his service whenever they should be required; and this number was afterwards augmented by 2,000 more foot [soldiers], and 8 cannons, maintained in all respects at the expense of England for three years at least."⁹¹

On March 25, 1611, Carr leaves behind him his mean ancestral name and becomes Viscount Rochester; a time when he imprisons himself within an enchanted circle created by Frances Howard who not only dwells amongst the Astrologers and quacks of the day to get rid of her husband, she had to do it openly by poison. Considering her family's reputation, this would have been a misdemeanour on her part, to say the least; yet, it would create a perfect camouflage for later events as we shall see.

The Howard woman acquaints her problem with her wet-nurse, Anne Turner, and the sham Astrologer Simon Forman. After she administers poison to her husband, he remains "lusty as ever," she writes to her wet-nurse Anne Turner, "and has complained to my brother, [Theophilus, Lord Howard of Walden] that he has not lain with me, nor used me as his wife. This makes me mad, since of all men, I loathe him, because he is the only obstacle and hindrance, that I shall never enjoy him whom I love."

⁹⁰ John Bloundelle-Burton, *The Fate of Henry of Navarre*, (New York: John Lane Co., 1940).

⁹¹ Duke of Sully's *Memoires*, Vol. VI., (1756).

The individual Frances Howard mentions she wanted to “enjoy” was Rochester of course. Whilst she travels to the bottomless abyss for some new poison to get rid of her husband, the lover Rochester is promised an earldom and even of becoming a Marquisate of Orkney. In those years no Duke or Marquis had ever been installed; and a Marquis of Orkney would be the highest person in the King’s Royal Court. “There were even hints of the King adopting Rochester as a son,” ⁹² Dixon historian tells us. If this is true, it is a very strong additional motive for the hatred that had by now elevated between Prince Henry and Rochester, but also between the Prince and his father.

On the other side, new ambitions pressed upon Overbury and instead of arriving back home to smiles and hugs, he returns to England to see his friend Rochester had left “many things undone, others done to the half, insomuch that all must lie upon Overbury’s neck.” ⁹³ So Overbury, with noble and sublime patience, brings Rochester’s affairs up to date in an “honest manner, and gives all the credit to Rochester, attributing every action to his doing, although neglected by him.” In addition, Overbury “answers for Rochester in his absence, hastens dispatches in his preference, furthers the requests of suitors, and, through the neglect and carelessness of the Viscount, grows in greater credit and esteem, so that Overbury’s carefulness, sufficiency, and diligence, makes him become eminent and beloved both of the King and Council.” ⁹⁴

How pertinent to the threads of this case is Overbury’s attitude towards Rochester upon his return from abroad in early April 1611 and vital in understanding exactly when it was and under what circumstances Overbury begins to turn hostile towards Rochester’s affair with this married woman, Frances Howard.

Unknown if Overbury went also stark mad, as the Pendle witch had, but on April 21, 1611, he “offends” Rochester, and is imprisoned for the very first time. We are not told what this offence was, but we will give two versions of the cause, and let our reader decide which one was factual.

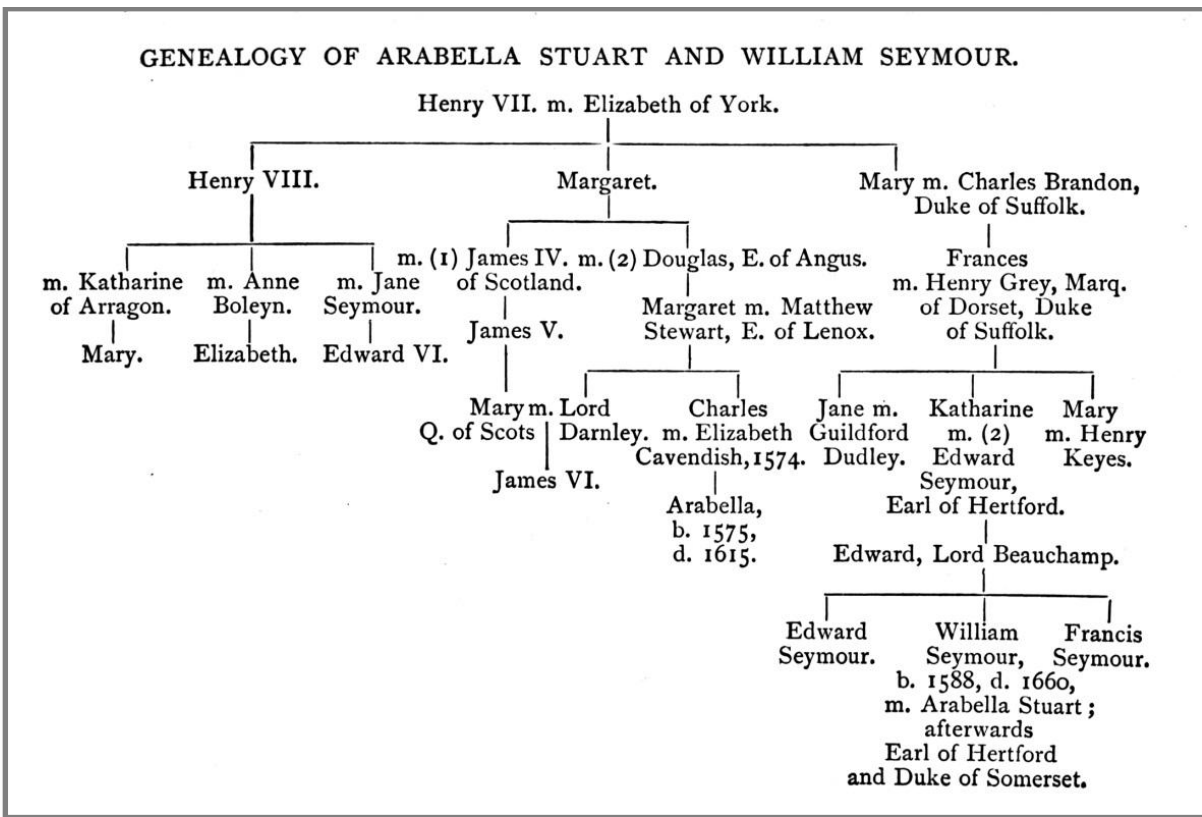
Before Queen Elizabeth dies, a time when Cecil’s secret messengers were flying from Scotland, and no effort spared to make the Scotch King’s succession a matter of certainty, Cecil determined to make sure that the other successor to the English throne, Lady Arabella

⁹² William Hepworth Dixon, *Her Majesty’s Tower*, Vol. II., (London: Hurst & Blackett, 1870).

⁹³ Fulke Greville, *The five years of King James, or the Condition of the State of England, and the relation it had to other Provinces*, (London: W.R., 1643).

⁹⁴ Ibid.,

Stuart, was kept under strict confinement; he removes her from Hardwick (where she was under guard) a day or two before Elizabeth's death.⁹⁵ This was necessary; James and Elizabeth clearly demonstrated Arabella Stuart was the subject most nearly allied to the throne. Elizabeth had said to her French Ambassadors: "Quiet as that young creature looks, she may one day sit on this throne."⁹⁶ Elizabeth was correct, for we notice from Arabella's genealogy how three individuals had legitimate claim to the English throne after Elizabeth's death: King James of Scotland; Lady Arabella Stuart; and, Lord Beauchamp.



Arabella's great-great grandfather was King Henry VII of England, which meant she was in line to the throne of England, due to her having both Tudor and Stuart bloodlines. But Arabella's father died when she was still an infant, allowing her mother to raise her until the year 1582, when she became the ward of William Cecil (later Lord Burghley). During most of Arabella's childhood she lived in isolation with her maternal grandmother and around 1589,

⁹⁵ King's MSS., Vol. CXXII. fol. 766.

⁹⁶ John H. Jesse, *The Court of England*, Vol I., (London: Henry G. Bohn, 1857).

one Morley became her attendant and reader.⁹⁷ It has been speculated, though without supportive evidence, that this Morley was the poet Christopher Marlowe who was assassinated in May 1593.

On March 13, 1603, just eleven days before Elizabeth dies, rumours have Arabella to be declared Elizabeth's successor; but Elizabeth, upon being asked by her Minister Cecil who should be her successor, "replied faintly," Camden says, "that as she held a regal scepter, so she desired no other than a royal successor. When Cecil requested her to explain herself more fully, 'I would,' she added 'have a King to succeed me, and who should that be but my nearest kinsman, the King of Scots.'" Such is Camden's account.

However, the story, in a somewhat different manner, is told by Robert Carey (Earl of Monmouth) who is constantly in Elizabeth's sick chamber, and who, in his autobiography says that "on Wednesday, the 23rd of March [1603], she [Elizabeth] grew speechless. That afternoon, by signs, she called for her [Privy] Council, and by putting her hand to her head, when the King of Scots was named to succeed her, they all knew he was the man she desired should reign after her."⁹⁸

Camden says "Charles Percy and Thomas Somerset were dispatched on March 25, 1603, by the Lords of the Council, with a letter to the King in Scotland, signifying the Queen's death, and kindly desiring him, that he would be pleased to repair into England with all speed. And on the 29th, George Carew and Thomas Lake were sent to inform the King in what posture affairs stood."⁹⁹ There is no mention from the historian if Robert Carey had first announced Elizabeth's death to James.

At the very same moment, the Privy Council (especially Cecil who had been corresponding in secret with James for six years) is anxious to secure the quiet establishment to James; they enable to add the authority of the Queen's express wishes to the claims of hereditary descent. Yet, it seems just as probable that the movement of Elizabeth's hand may have been that she had cause to be in pain, as opposed she intended to denote the disposition of a kingdom.¹⁰⁰ So, whatever Elizabeth said or did not say, gestured or did not gesture, it sits in crystal clear waters that we do not know to this day, with absolute certainty, who Elizabeth

⁹⁷ Blanche C. Hardy, *Arbella Stuart: A Biography*, pp.64-67, (London: Dutton Publications (1913).

⁹⁸ Sir Robert Carey, *Account of the Death of Queen Elizabeth, and of his ride to King James at Edinburgh*, 1603.

⁹⁹ John Nichols, *Progresses*, Vol. I.

¹⁰⁰ John H. Jesse, *The Court of England*, Vol I., (London: Henry G. Bohn, 1857).

wanted claimed to be her successor. We only know with absolute certainty who Cecil claimed should be the successor to the English throne; and this crown did not sit right on James's head with just clear conscience, or at least Destiny did not wish it so.

Ever since Arabella's claim to the English throne, James sat on pins and needles. So upon Overbury's doing so much in his return to screen Rochester from angry suitors, from piled up unanswered correspondence, and from a King's confused frustration, dealing with Rochester's neglected State business, employed to carry letters to and fro between Frances Howard and his friend, some to Paternoster Row ¹⁰¹ and some to Hammersmith, and others to other places of meeting which were appointed between them, Overbury, as messenger, would not have had difficulty to secretly have opened these letters and enter into the secrets of this mystery affair, and become acquainted with more things than Rochester would have had him.

If Overbury was also complaining of this liaison, and noting Rochester neglects his Office and State business to run around the skirts of this Howard woman, is very possible and very logical to have happened; it explains at least why Rochester was "offended."

At the same time, an "increase of recusancy in Northumberland, on account of the influence of Lord [Henry] Howard and his recusant Officers in those parts," ¹⁰² was detected; this meant that England was open to receive and allow to depart many Catholic subjects without control, if you will; all with the help of the Catholic Henry Howard.

Did Overbury read such intelligence from opening Rochester's letters? We believe so; however, he was discreet, and perhaps only alerted the King since he had now "become eminent and beloved both of the King and Council."

Cecil goes into action; he has Overbury imprisoned on April 21, 1611, to act as a plant and attach himself next to a fellow prisoner, Lord Seymour, who was Arabella's husband. Nine days later, on April 30th, Prince Henry is in need to inspect his ships incognito; he specially requests from Phineas Pett (master builder of the navy) to be discreet, as Pett tells us himself: "I received from the Prince's own mouth his Highness' intent to make a private journey to Chatham, and to go down in his barges round about by Queen borough giving me charge I should acquaint none with it, but make preparation for his lodging and diet and his small train in Chatham, at Mr Legatt's house being appointed the place to receive his own

¹⁰¹ Residence of Anne Turner.

¹⁰² State Papers, James I., Dom.

person. So, being taught my lesson, I returned to Chatham, taking present order for the preparing of all things for his entertainment.” ¹⁰³

We see no reason why the Prince would inspect his ships and give specific orders “to acquaint none with it;” it makes no sense since the King knew of the ship building and most of it was being paid from the Royal Treasury.

So why the incognito visit?

We believe Prince Henry and the King were afraid Arabella and Seymour would escape by sea. In the meantime, Overbury purposely sent to the Tower as a plant to spy on Seymour’s activities, gives him a key to his cell, because Seymour could not escape that easily from the Tower, which was the most secure fortress in London with only one other person ever having escaped, Father John Gerard in 1597, without inside help.

Overbury, having secured a key for Seymour (directly or indirectly) is released when all is arranged between Seymour and Arabella; and, on June 4, 1611, when Pett “prepared to have gone to London the next day, about midnight one of the King’s messengers was sent down from the Lord Treasurer [Cecil] to man the light horseman [a gig] with 20 musketeers and to run out as low as the Nore head to search all ships, barks, and other vessels, for the Lady Arabella that had then made an escape and was bound over for France.” ¹⁰⁴

PROCLAMATION

Arrest of Lady Arabella & William Seymour

(June 4, 1611) ¹⁰⁵

Whereas we are given to understand that the Lady Arabella and William Seymour, second son to the Lord Beauchamp, being for divers great and heinous offences committed, the one to our Tower of London, and the other to a special guard, have found the means, by the wicked practices of divers lewd persons, namely, Markham, Crompton, Rodney, and others, to break prison, and make escape on Monday, the third day of June, with an intent to transport themselves into foreign parts.

We do hereby straightly charge and command all persons whatsoever, upon their allegiance and duty, not only to forbear to receive, harbour, or assist them in their passage any way, as

¹⁰³ Perrin, *Biography of Phineas Pett*, (Navy Records Society, 1918).

¹⁰⁴ Ibid.,

¹⁰⁵ Rymer, *Foedera*, Vol. XVI., p. 710.

they will answer it at their perils; but, upon the like charge and pain, to use the best means they can for their apprehension and keeping them in safe custody, which we will take as an acceptable service.

Given at Greenwich, the fourth day of June.

PER IPSUM REGEM

Before day turned to night, Arabella is captured and sent to the Tower; her husband was banished to France only allowed to return to England in February 1616 some months after Arabella died in the Tower on September 25, 1615. How ludicrous the King and his Lords had worked themselves up into a state of terror at the news of Arabella's escape can be shown through historians' literature and correspondence of the day. It only corroborates what we say and how the escape was already known and assisted in order James finally keep Arabella under lock and key until her death in 1615.

Sir Ralph Winwood (later the King's Secretary) remarks in his correspondence: "The danger was not like to have been very great, in regard that their pretensions are so many degrees removed (by the direct claims [to the throne] of James's own sons), and they, ungraceful [out of favour] both in their persons and their houses; so as a hot alarm taken at the matter will make them more illustrious in the world's eye than now they are, or, being let alone, ever would have been. The escape is said to fill his Majesty with fearful imaginations and with him the Prince [Henry], who cannot be removed from any settled opinion." ¹⁰⁶

Henry Howard said that Arabella's escape by boat would not be in favour; "the wind is bad, and they cannot have gone far." ¹⁰⁷ It is therefore not a wonder that this Catholic Howard did not like Prince Henry nor Overbury; if both could be cut off so much the better and we shall add here Cecil's machination, according to historian Robert Johnston, which was very strongly supported by Henry Howard: "When the Prince requested from his father that he might preside at the Privy Council, this was seconded by Viscount Rochester; but Cecil, who dreaded the power of the Prince and opposed Rochester's measures, observed that it was impolitic to divide the government and invest the son with the authority of the

¹⁰⁶ Bradley, *Lady Arabella Stuart*, (London: Richard Bentley & Son, 1889).

¹⁰⁷ State Papers, James I., Dom., Vol. IXIV., p. 4.

father. The opinion of Cecil swayed the rest of the Council, and the Prince's request was refused." ¹⁰⁸

"Shortly after," Dr. Wadd notes, "Cecil, in a conversation with the Prince attributed this denial to the influence of Rochester, against whom the Prince ever after conceived so great and lasting a resentment that he refused to hear the justification which Rochester attempted to offer." ¹⁰⁹

Thomas Birch discredits Robert Johnston's recorded event; he alleges the improbability of the Prince endeavouring to thrust himself into public business. But surely it is not inconsistent with the Prince's conduct, who employed spies (both at home and abroad) to procure intelligence of the proceedings of the different Royal Courts, and who "evinced the greatest curiosity on this head," ¹¹⁰ as may be seen by his correspondence still preserved. In addition, the Prince was rebuilding England's Navy, which had been left to rot by his father and documented by Venetian Ambassador Nicolo Molin.

So as Arabella's escapade vanished like vapour before the sun, an unsuccessful suitor for the hand of Princess Elizabeth (sister to Prince Henry) appears at the English Royal Court in the person of Otto, Prince of Hesse. ¹¹¹ He was a youthful German Cœlebs [bachelor] in search of an English Princess; not altogether an unusual occurrence. ¹¹²

Otto was the son of the Landgrave Maurice, and had received an invitation from Prince Henry to come to England, who was of the same age as himself. The German youth had his first audience with James at Greenwich on June 30, 1611, and received from the King a jewel with 120 diamonds, worth (according to Meteren) 10,000 crowns; from Prince Henry, four fine horses; from other English Noblemen, a cross-bow for shooting deer; a buck with the word *Landgrave* engraved on its collar, which they let loose, and a cormorant ¹¹³ for catching fish.

Otto's description of Hampton Court is revealing: "This Palace of Hampton Court has 700 rooms, as the Vice-Chamberlain, who led us round, informed us, among which are 80 splendid royal chambers, all decorated with beautiful gold tapestries, the like of which we have not seen, which tapestry was hung up in honour of his Highness the Landgrave Otto,

¹⁰⁸ Robert Johnston, *The History of Scotland During the Minority of King James VI*, Vol. XVI., p. 468 (1648).

¹⁰⁹ William Wadd, *Mems. Maxims & Memoirs*, 1827.

¹¹⁰ Godfrey Goodman, *Court of King James the first*, Vol. I., (London: Richard Bentley, 1839).

¹¹¹ He died in 1617 from the effects of a gun accident, two months after his second marriage.

¹¹² William B. Rye, *England as seen by Foreigners*, (London: John Russell Smith, 1865).

¹¹³ "Cormorant" is a contraction derived either directly from Latin *corvus marinus*, meaning sea raven.

besides other tapestry being underneath. The golden tapestry, which hangs in the Queen's and other apartments, and which Henry VIII bought, is said to have cost £50 a yard, and to have been offered to many other potentates first, so Hampton Court now possesses them. The Palace has seven Courts and two fine gardens, and fine parks.”¹¹⁴

Apart from “the increase of recusancy” under Henry Howard's watch that almost assisted Arabella's escape to France, two potent individuals enter the King's Court; and perhaps this had to do with what Dr. Wadd tells us, that “the reign of King James's was conspicuous for all sorts of quackery, particularly chemical quackery.” By June 6, 1611, Mayerne revisits England and establishes himself as the King's physician. When he was appointed Cecil's physician, he “is hindered from completing his business by the ill health of the Treasurer, and asks what ceremonies there are on taking the Oath. Hopes there will be no expense thereon, his patent having cost enough already.”¹¹⁵ On June 9th, he is officially established Chief Physician to the King, as appears by the following:

“Die solis 9 Junii stilo veteri 1611, psitum a me juramentum regi Magnæ Britanniae Jacobo I. Greenwichi. Th: Mayerne.”¹¹⁶

On June 15th, Mayerne is granted “Physician in Ordinary,” with a pension of £400 annually and then on June 18th he acquired a warrant for payment of £20 for charges in removing himself and family out of France.

¹¹⁴ Ernest Law, *Hampton Court Palace*, Vol. II., (London: George Bell, 1898).

¹¹⁵ State Papers, James I., Dom.

¹¹⁶ William Wadd, *Mems. Maxims & Memoirs*: (London, Callow & Wilson, 1827).



CRUCIAL DECISIONS

Rochester's relationship with the Howard woman took something from him with augmented force during the summer of 1611. He diverts all his attention away from the King, begins to neglect State business, and his "modesty becomes eclipsed," Greville tells us. "His behaviour light, his carriage unseemly [for] his place, and nothing so costly, no [attire] so uncouth, but at all costs and charges he obtains it for the increase of favour. New fashions are produced, that so he might show more beautiful and fair, and that his favour and personage might be made more manifest to the world; and for this purpose yellow bands, dusted hair, curled, crisped, frizzled, sleeked skins, open breasts beyond accustomed modesty, with as many other inordinate attires, were worn on both sides." ¹¹⁷

No doubt Anne Turner, being a seamstress, assisted Rochester and Frances Howard to elevate this fashion Greville noted upon.

On July 10, 1611, a "grant to Mayerne of a pension of £200 per annum is to begin from the decease of the Queen [Anne], as his present pension will then cease." And on July 28th, "a dangerous Papist" is allowed into England: "Arrival at Horsham of John Blackman (or Blackfan) a dangerous Papist, who has been thirty years at Rome, the Archduke's Court. He is described as a big, lean-faced man, yellow-haired." ¹¹⁸

Father Gerard's mention on John Blackman is in a letter of his of 1614 written to "the Prefect of the English Mission, Father Thomas Owen, Rector of the English College at Rome," where only a plan is hinted upon how "Father Blackfan should have the title of Rector," since Gerard was appointed to the Rectorship of the Novitiate at the time. ¹¹⁹

¹¹⁷ Fulke Greville, *The five years of King James, or the Condition of the State of England, and the relation it had to other Provinces*, (London: W.R., 1643).

¹¹⁸ John Morris, *The Life of Father John Gerard, of the Society of Jesus*, (1881).

¹¹⁹ Ibid.,

We have no other intelligence to share with our readers as to this “dangerous Papist,” John Blackman (or Blackfan).

A letter from Raleigh in the Tower is sent to Prince Henry on August 12, 1611, and is worth adding.

Sir Walter Raleigh to Prince Henry
(August 12, 1611) ¹²⁰

May it please your Highness,

The following sheets are addressed to your Highness, from a man who values his liberty and a very small fortune, in a remote part of this island, under the present constitution, above all the riches and honours that he could anywhere enjoy under any other establishment. You see Sir, the doctrines that are lately come into the world, and how far the phrase has obtained of calling your royal father God’s vicegerent; which ill men have turned both to the dishonour of God, and the impeachment of his Majesty’s goodness. They adjoin the vicegerent to the idea of being “all-powerful,” and not to that of being “all-good.” His Majesty’s wisdom, it is to be hoped, will save him from the snare that may lie under gross adulations; but your youth, and the thirst of praise which I have observed in you, may possibly mislead you to hearken to these charmers, who would conduct your noble nature into tyranny.

Be careful, O my Prince, hear them not; fly from their deceits! You are in the succession to a throne from whence no evil can be imputed to you, but all good must be conveyed by you. Your father is called the vicegerent of Heaven. While he is good he is the vicegerent of Heaven. Shall man have authority from the fountain of good to do evil? No, my Prince, let mean and degenerate spirits, which want benevolence, suppose their power impaired by a disability of doing injuries. If want of power to do ill be an incapacity in a Prince, with reverence be it spoken, it is an incapacity he has in common with the Deity.

Let me not doubt but all plans which do not carry in them the mutual happiness of Prince and people, will appear as absurd to your great understanding, as disagreeable to your noble nature. Exert yourself, O generous Prince, against such sycophants, in the glorious cause of liberty; and assume an ambition worthy of you, to secure your fellow-creatures from

¹²⁰ (a) Raleigh’s *Works*, Vol. VIII; (b) Steele’s *Englishman* (1714).

slavery; from a condition as much below that of brutes, as to act without reason is less miserable than to act against it. Preserve to your future subjects the divine right of being free-agents, and to your own royal House the divine right of being their benefactors. Believe me, my Prince, there is no other right can flow from God.

While your highness is forming yourself for a throne, consider the laws as so many common places in your study of the science of government. When you mean nothing but justice, they are an ease and help to you. This way of thinking is what gave men the glorious appellatives of deliverers and fathers of their country. This made the sight of them rouse their beholders into acclamations, and made mankind incapable of bearing their very appearance without applauding it as a benefit. Consider the inexpressible advantages which will ever attend your Highness, while you make the power of rendering men happy the measure of your actions. While this is your impulse, how easily will that power be extended. The glance of your eye will give gladness, and your every sentence have the force of a bounty. Whatever some men would insinuate, you have lost your subject when you have lost his inclination; you are to preside over the minds, not the bodies of men. The soul is the essence of a man; and you cannot have the true man against his inclination. Choose therefore to be the King or the conqueror of your people; it may be submission, but it cannot be obedience that is passive.

I am Sir your Highness's most faithful servant.

WALTER RALEIGH

On September 8, 1611, Simon Forman dies: "The Sunday night before he died, his wife and he being at supper in the garden-house, she told him that she had been informed he could resolve whether man or wife should die first. 'Whether shall I bury you or no?' 'Oh Trunco,' for so he called her, 'thou wilt bury me but thou wilt much repent it. But how long first I shall die, ere Thursday night.' Monday came, all was well. Tuesday came he was not sick. Wednesday came, and still he was well, with which his impertinent wife did much twit [tease] him in the teeth. Thursday came, and dinner was ended, he was very well; he went down to the waterside and took a pair of oars to go to some buildings he was in hand with in

peddle dock. Being in the middle of the Thames, Forman presently fell down only saying: ‘An impost, an impost,’ and died. A most sad storm of wind immediately following.” ¹²¹

The same time as Forman is dead, Overbury is sent back to prison; this is five months after Arabella’s escape. This time, Overbury is imprisoned for real. He was spotted, we are told, laughing under Queen Anne’s window as he gossiped at “an innocent joke” with Rochester, and it was considered an insult. In all probability, the two men were joking about an event two months earlier, which was much talked about and probably Overbury missed all its nitty-gritty details being in prison trying to give Arabella’s husband a key to his cell. But the King was so distressed with the event, that he fell “with a flux and griping of the belly,” as related by Nichols, ¹²² and the Queen no doubt was still contemplating how to handle the matter.

If we are to take Overbury’s cause of imprisonment for granted, we can also state that it is highly suspicious his arrest comes at the same time Forman died “in the middle of the Thames.”

What took place on July 15th, was when the King and Queen being at Theobalds, “the Queen shooting a deer mistook her mark, and killed ‘Jewel’ the King’s most special and favourite hound; at which he stormed exceedingly awhile; but after he knew who did it, he was soon pacified, and with much kindness wished her not to be troubled with it, for he should love her never the worse. The next day he sent her a diamond worth £2,000 as a legacy from his dead dog.” ¹²³

If Overbury said something about the King’s dead dog, which was adored by the Sovereign, or was overheard that the Queen construed this sneaky way to gain “a diamond worth £2,000 as a legacy” by killing the King’s dog, we may understand why Overbury could have been imprisoned on this occasion; yet we believe Simon Forman’s death was the real cause but we cannot prove this further than we have stated. So loneliness struck Overbury like a blow being sent back to jail so soon, and it does not look like Rochester had any

¹²¹ Lilly, *History of his Life and Times*, 1774: “He [Forman] died worth £1,200 and left only one son, Clement. All his rarities, secret manuscripts, of what quality so ever, Dr. Napper of Lindford in Buckinghamshire had, who had been a long time his scholar and of whom Forman used to say he would be a dunce; yet in circumstance of time he proved a singular Astrologer and physician. Sir Richard now living [1651] has all those rarities in his possession which were Forman’s, being kinsman and heir to Dr. Napper. His son, Thomas Napper, Esq., most generously gave most of these manuscripts to Elias Ashmole, Esq.”

¹²² John Nichols, *Progresses*, Vol. II.

¹²³ Chamberlain to Carleton (August 1, 1611).

intended time to spare for his friend's release; Frances Howard was taking up too much of his spare time.

So Cecil was the next best person Overbury contacted on September 11, 1611.

Sir Thomas Overbury to Sir Robert Cecil
(September 11, 1611) ¹²⁴

My Honourable Lord,

As your Lordship was a judge of mine innocence before, ¹²⁵ so would I now crave that favour, that your Lordship would vouchsafe to be a witness of the submission both of myself and cause to the Queen's mercy, which I desire you rather, because as I understand her Majesty is not fully satisfied of the integrity of my intent that way, and to that purpose, if your Lordship will grant me access and audience, I shall hold it as a great favour, and ever rest.

Your Lordship's to be commanded.

T. OVERBURY

Queen Anne to Sir Robert Cecil
(undated) ¹²⁶

My Lord,

The King has told me that he will advise with you and some other four or five of the Council of that fellow. [Overbury.] I can say no more, either to make you understand the matter or my mind, than I said the other day. Only I recommend to your care how public the matter is now both in Court and city, and how far I have reason in that respect.

I refer the rest to this bearer, and myself to your love.

ANNA R

November 13, 1611, as John Chamberlain to Sir Dudley Carleton record, "Sir Thomas Overbury is restored to Court," ¹²⁷ and we have now come to the winter months of 1611, when the witnesses to fights and quarrels between the Prince and the minion have been recorded and can be found in much literature on the history of King James's reign.

¹²⁴ Godfrey Goodman, *Court of King James the first*, Vol. II., (London: Richard Bentley, 1839).

¹²⁵ Overbury refers to his first fake imprisonment as a plant on April 21, 1611.

¹²⁶ Godfrey Goodman, *Court of King James the first*, Vol. II., (London: Richard Bentley, 1839).

¹²⁷ State Papers, James I., Dom: Correspondence of John Chamberlain to Sir Dudley Carleton.

Apart from the Prince's anger and quarrels he had with Rochester, hostility was also seen from the Howards; in particular, from Henry Howard who had an attitude against the Prince, which rose to a point of him saying, that "the Prince, if ever he came to reign, would prove a tyrant." ¹²⁸ This no doubt was due to how Henry Howard saw that the Prince was no friend to the Catholics; in addition, the Prince had "formerly expressed distaste against Henry Howard; and disdained there should be any the least motion of a marriage between Theophilus (Lord Howard of Walden) and Princess Elizabeth his sister." ¹²⁹

Theophilus Howard was Frances Howard's brother and of course, Henry Howard remembered how the Prince assisted in ruining Arabella's escape, which we believe had been construed with the help of this Howard.

Old and contemporary historians have stated that the Prince was a sound Protestant; he "would have united outspoken Protestant tendencies with the monarchical views of Edward VI, or rather of Elizabeth. With the men who then held the chief power in England he had no points of agreement, and they already feared him from a young age. They were even accused of having caused his premature death." ¹³⁰ In addition, some major confrontation had been averted by the Prince's premature death with his father on a marriage treaty to a Catholic Spanish Princess.

Out of the plethora references that exist on this matter, two can be given. "He [the Prince] was secretly meditating a scheme of which, as yet, he did not breathe a syllable to anyone; he would accompany his sister [Elizabeth] to Germany, when there, he would fling politics to the winds, and choose a wife for himself." This was written by Samuel R. Gardiner. ¹³¹

The next reference was from Sir Simonds D'Ewes. "It was very likely, that Popery would have been well purged out of Great Britain and Ireland by his [the Prince's] care. He had been a true lover of the English nation, abhorring not only the idolatry, superstition, and bloody persecutions of the Romish synagogue, but being free also from the Lutheran leaven, which had then so far spread itself in Germany, and had since ruined it." ¹³²

¹²⁸ State Trials, Vol. II. p. 905; Examinations taken by Coke in connection with the murder of Overbury.

¹²⁹ J.O. Halliwell-Phillips, *Autobiography & Correspondences of Sir Simonds D'Ewes*, Vol. I., (London: Bentley, 1845).

¹³⁰ Mark Noble, *Historical Genealogy of the Royal House of Stuarts*, (London: R. Faulder, 1795).

¹³¹ Samuel R. Gardiner, *History of England*, Vol. II., (London: Longmans, Green & Co., 1883).

¹³² J.O. Halliwell-Phillips, *Autobiography & Correspondences of Sir Simonds D'Ewes*, Vol. I., (London: Bentley, 1845).

The above references are not singular; many writers have detected Prince Henry would have brought back to England the “Golden Age” of Queen Elizabeth once he became King.

Overbury was the minion’s Secretary during the year 1611; his advancement was standing upon the minion’s shoulders and he tells us this himself in a letter he wrote from the Tower in June 1613: “Upon you, [you] know my fortunes depend too.” ¹³³

Overbury felt threatened by the fights and threats he witnessed and logically concluded that if the Prince ever became King, it was not only definite he would have persecuted Rochester and his family, but also have destroyed those around the “insolent favourite,” including the Howards. ¹³⁴ Furthermore, there were two other threads connected with the Prince, which neither King nor Courtiers (including minion) wished acted out; and this was King Henri’s Grand Design. Though it was put on hold due to the French King’s assassination, the Prince’s wish to go to war with Catholic Spain should his father change his mind, was brewing in the Royal Court more than was necessary: “It was his expressed desire, if the King his father should on any occasion think proper to break [go to war] with Spain, that he would himself, if his Majesty would permit, undertake the execution of the attempt against the Spanish possessions in America.” ¹³⁵

It is very well in our times to brush these threads aside; yet we need to remember “the Royal Court and the Courtiers were everything; the Nation was nothing;” those around King James at this time were not only Courtiers who “comprehended the fate of the Nation as well as the fate of Princes and Courtiers,” they were individuals whose beliefs and obsessions would not hesitate to gain power and more power by any means and by any necessity. This class of men has not become extinct; today, many govern countries (under another title than Courtiers) and can either offer or suppress a peoples’ liberty.

Unfortunately, the leader of these men was King James; a Scots who did not have England at his best interest as historical events record; and, under James came a favourite, in this case being Robert Carr (Viscount Rochester) also a Scots. So we can now notice how and why the elevation of favours from James to a favourite was under a certain condition, being that “he never attached himself to a man who was truly great;” this to us is crucial in

¹³³ Harl. MS., 7002, fol. 281.

¹³⁴ James Gardiner, *Studies in English History*, Vol. XVIII, 1881.

¹³⁵ Thomas Birch, *The Life of Henry, Prince of Wales, eldest son of King James I*, 1760.

learning King James's character and mannerisms. We could term this condition one of the "King's Craft" as he so liked to term himself in having.

As a consequence, those elevated in such haste were blinded by riches, comfort, and power, which they never dreamt of having before. Whoever or whatever threatened this, was a bitter enemy. We strengthen our sayings by giving an extract of a letter from 1614, when the King wrote to Rochester: "You may build upon my favour as upon a rock that never shall fail you, that never shall weary to give new demonstration of my affection towards you; nay, that shall never suffer any to rise in any degree of my favour, except they may acknowledge and thank you as a flatterer of it, and that I may be persuaded in my heart that they love and honour you for my sake. Let me never apprehend that you disdain my person and undervalue my qualities; and let it not appear that any part of your former affection is cooled towards me."

If the King ever saw his favourite "cooled," he would destroy as fast as he elevated; and concludes to Rochester, "If you force me once to call you ingrate, which the God of Heaven forbid, no so great earthly plague can light upon you." In the Jacobean times, it was not easy to live with the "vulgar" class after you had been thrown out of the Royal Court; and hence James well tells Rochester, that if he is ever thrown out or hindered from his favour, what will fall upon him would be worse than the plague.

We believe Rochester, around this time, did not understand the King's words; it is not difficult to conclude this, considering Rochester's poor education, only being taught by the King how to learn Latin and how to read and write proper English. And this is why Rochester bonded so well with Overbury, whose education and intelligence was considerably more advanced than his; and this is why Overbury, before his third and final arrest on April 21, 1613, was noted as being an individual who stood "in the second degree of power in the Court;" and this is why Overbury was that person who first gave that "damnable and fatal advice" to rid them of Prince Henry, who upon taking possession of the throne, would have had the absolute power to destroy them.

"The Scots have a constant report amongst them, as I learned from one of them, that Sir Thomas Overbury, seeing divers crossings and oppositions to happen between that peerless Prince [Henry] and the said Rochester, by whose means only he expected to rise; and fearing it would in the end be a means to ruin Rochester himself, did first give that

damnable and fatal advice of removing out of the way and world that royal youth by fascination, and was himself afterwards in part an instrument for the effecting of it; and therefore, say they in Scotland, it happened by the just judgment of God, afterwards as a punishment upon him, that he himself died by poison.”¹³⁶

According to his biography, Sir Simonds D'Ewes was born in 1602;¹³⁷ therefore, at the time of Somerset and the Prince's quarrels in 1611, D'Ewes was nine-years-old. Yet he had little difficulty in finding out when the quarrels began, and why, which comes from his biographer: “Sir Simonds D'Ewes had spent more than twenty years in collecting for his *General History of Great Britain from the First Inhabitants to the Present Times*, and ten in writing it. Having plentifully illustrated it throughout, by extracts and references to early records preserved in our Public Offices and private collections, many of which have no doubt long since perished.”¹³⁸

From Halliwell-Phillips's comment, a wealth of resource that seemed inexhaustible was within D'Ewes's reach, many of which have no doubt long since perished, of which he could fall back on during the twenty years he spent collecting material for his work. This would answer quite sufficiently what means he had of knowing the truth and to be credited as being on good authority that Overbury was the first “to give that damnable and fatal advice of removing out of the way and world” their mortal enemy, Prince Henry.

And to back this up, the same sayings were also coming from Coke, Monson, and Anne Turner, to which we will give further on in our research.

So we notice that within this year of 1611, fascinated by mystery, the English ports allow or invite mystical individuals to enter England; Théodore Mayerne and Michael Maier who enter the King's Court; and, John Blackman “a dangerous Papist,” who was smuggled into the country under the neglected watch of the Catholic Henry Howard.

Much was going on and more will go on as we sum up this year, because it is also time that Rochester is elevated in rank and favour and is now besotted by a Howard who was

¹³⁶ J.O. Halliwell-Phillips, *Autobiography & Correspondences of Sir Simonds D'Ewes*, Vol. I., (London: Bentley, 1845).

¹³⁷ Sir Simonds D'Ewes became High Sheriff for Suffolk in 1639, and was elected member for Sudbury in 1640. In July 1641, he was created a Baronet by Charles I; yet, upon the breaking out of the Civil War, he adhered to the Parliament, and took the solemn league and covenant in 1643. He died in 1650.

¹³⁸ J.O. Halliwell-Phillips, *Autobiography & Correspondences of Sir Simonds D'Ewes*, Vol. I., (London: Bentley, 1845).

searching high and low amongst witches and Astrologers to kill her husband. She was not discreet, which seems not only peculiar for the times, but interesting, since her behaviour gives us her motive.

And then Overbury, being Secretary to Rochester undertakes to handle affairs, becomes “eminent, and beloved both of the King and Council,” even brought into the plot to divert Lady Arabella Stuart’s escape. Upon Overbury’s release, he probably hinted on Queen Anne’s trick to acquire the legacy the King had on his dog; she “accidentally” kills the dog in a hunting expedition and so is rewarded a diamond worth £2,000. Overbury is imprisoned for mentioning this, which was considered to be an “insult.” The Queen never forgave Overbury for whispering the event which spread through “court and city.”

Yet, it is also when Simon Forman died in his little boat on the Thames. This was a man who could procure any type of poison wished for, with or without questions asked.

We then have Prince Henry, apparent heir to the English throne, who was hauled into a battlefield against the Howards much different than what he would have preferred; in addition, the hint circulating that the King is willing to adopt Rochester as his son, was not helping to ease matters between the minion and the Prince, so it is not coincidental that even Bishop Burnet had recorded that a Colonel Titus had assured him “that he had from King Charles I’s own mouth that he was well assured that Prince Henry was poisoned by the Visc. Rochester’s means.”¹³⁹

What could be termed distressful is how James had a great capacity to do absolutely nothing to deter these events and occurrences; his pernicious and growing inadequacy to control his Court, State Officers, favourite, and perhaps his eldest son’s Household, led to the mournful events of 1612.

¹³⁹ Bishop Burnet, *History of his own Time*, Vol. I., p. 19, (Oxford: 1833).



THE MOURNFUL YEAR OF 1612

Early in January of the year 1612, just five years after the King met Rochester, “all addresses,” says Wilson, “are now made to Rochester. He is the favourite in ordinary. No suit, no reward, but comes by him. His hand distributes, and his hand restrains; our supreme power works by second causes. The Lords can scarce have a smile without him.”¹⁴⁰ This is just a few months before the Elizabethan Statesmen, Sir Robert Cecil dies.

On February 9, 1612, Cecil writes to the King at Whitehall, and brings to his attention how the Court physician Mayerne had blundered in his illness; was sure that “the King’s visit would have cured him; tenderness in dealing with heretics is full of danger.”¹⁴¹

The insinuation is evident; had the King taken some interest while Cecil was ill, perhaps Mayerne, who was a heretic in Cecil’s eyes, would have minimized the numerous faults Cecil declared Mayerne had thrust upon him during his illness.

John Beaulieu wrote to William Trumball (Minister and spy in Brussels) on May 6, 1612, and pertains to hearing of Cecil’s illness: “I will not conceal from you what Doctor Mayerne the French Physician, who is continually about his Lordship Cecil, has lately written to my Lord of the nature and state of his disease, which is: Que c’est une disposition a l’hydropsy compliquée avec le scorbut; Lesquels, sont deux mauvaises hostes en une corpsfoible & delicat. Mais par la force de son courage invincible nous ne laissons pasd’avoir esperance de sa guerison, bien qu’elle foit longue & difficile.”¹⁴²

Briefly translated, Mayerne diagnosed dropsy with scurvy as a complicated ailment on Cecil’s weak and delicate body; the healing process would be long and difficult. Though we have this verbally from Mayerne -through Beaulieu’s letter- the physician’s *Ephemerides*

¹⁴⁰ John Nichols, *Progresses*, Vol. II.

¹⁴¹ State Papers, James I., Dom.

¹⁴² Vol. III., p. 363.

Anglicæ (English Diaries) constitute several volumes of his medical cases, where Cecil's case would commence at folio 207 ("13 Martii 1612") and continue to folio 229. Each folio means two pages; this would have the case within 44 pages, but all 44 pages on Cecil's illness have been removed, and no longer exist in Mayerne's medical files.

What became of these pages has never been revealed and no contemporary authority knows anything further from what we have already given.

On February 16, 1612, Mayerne administers a clyster to Cecil, who "slept very little, having a continual ague, or, as some will have it, a double tertian, with a great pain in his head and much sweating." During Cecil's illness, the King "visited him twice, and given charge to the physicians upon their heads to be careful of him, and commanded all men for four days to forbear to speak to his Lordship upon business."¹⁴³ Toward the end of February, the Prince also began to show "a remarkable change in his constitution, which, occasioned by his continual fatigue of body and mind, or some internal unknown cause."¹⁴⁴

We remind our readers that Cecil and Prince Henry had absolutely and irrevocably disintegrated Arabella's escape the previous year which we suspect had been orchestrated by Henry Howard. These two individuals, in the eyes of this Howard, were mortal enemies to the Catholics; sooner than later they had to be removed. So it is not coincidental that the Prince is seen to droop in illness when Cecil is at Death's Gate. We shall support and back up this claim with evidence as we continue.

On March 5, 1612, Queen Anne travels to Baths and remains there until May 1613.¹⁴⁵ In the meantime, John Bowles (Chaplain) gives the short account of the final month of Cecil's illness. He tells us that Cecil left Kensington April 28, 1612, to lodge at Lord Chandois in Ditton. The next day Cecil travelled to Lord Knowles' house. Being "very weary, faint and ill," Cecil moved on to Newberry the following and on May 1st, he was "very ill" yet traveled to Millbury then to Laycock where he met Lady Stapleton, who was then married for a second time to Sir Robert Stapleton of Wighill (Aynsty of York) and whose grandson was Sir Henry Stapleton of Milton (Yorkshire) who was created a Baronet in 1660.¹⁴⁶

This would be the same area where Overbury would "steal" to after he was arrested in April 1613, as he tells us himself in one of his letters written from the Tower on May 2,

¹⁴³ John Nichols, *Progresses*, Vol. III. Correspondence of John More to Sir Ralph Winwood.

¹⁴⁴ Birch, *The Life of Henry, Prince of Wales, eldest son of King James I*, (London: A. Millar, 1760).

¹⁴⁵ John Nichols, *Progresses*, Vol. II.

¹⁴⁶ Collins's *Baronetage*, Vol. III., p. 54 (1741).

1613: “By no means hear of my going out at all beyond sea, though for an hour, but to [Mill]bury, not by command, but stolen thither [from here] by discretion.” ¹⁴⁷

On May 3rd Cecil went on to Baths where he was visited on May 18th by Lord Harington who was also sick “of a dead palsy.” ¹⁴⁸ By this time, the Queen was also in Baths. On May 21st, Cecil decides to leave Baths to journey back to London; he passes away in Marlborough on Sunday, May 24, 1612.

The news of Cecil’s death was received in London with satisfaction, one could say, at least by the heartless Henry Howard and his followers, who fancied that the time was now come when they might rule England unchecked, and might divide the spoils of office amongst themselves; and this also was how Rochester saw things.

Two days after Cecil died, Henry Howard writes to Rochester: “A messenger has Tuesday [May 26th] arrived, at whose setting out the news was not known of the death of the little man [Cecil] for which so many rejoice, and so few even seem to be sorry, except Pembroke, Hay and Cope, is near his mistress.” ¹⁴⁹

Cecil’s mistress mentioned in Henry Howard’s correspondence, was to no surprise the Countess of Suffolk (1564-1633), married to Thomas Howard (1561-1626) and mother of Frances Howard. The Countess of Suffolk had served as a liaison between the King of Spain and Cecil, and was also one of the individuals who received a Spanish pension to which we will deal with later.

After Cecil’s death, Thomas Howard was thrust forward by connections and intrigues into that of Lord Treasurer, giving up the Chamberlainship to Rochester. The post of Secretary remained for some time vacant, during which time Rochester was endeavouring to practice the part of a Minister of State; but his incapacity becoming more and more evident, he resigned this pretension, and the King was content to nominate Ralph Winwood and Thomas Lake as joint secretaries. ¹⁵⁰

Perhaps not being nominated (after Cecil’s death) as Secretary, was looked upon as a disappointment to Overbury who had taken upon his shoulders so much responsibility upon his return to England which Rochester was unable to deal with. About this same time, Greville states that Overbury “entertained into the favour of the Viscount Rochester; whether

¹⁴⁷ Harl. MS., 7002, fol. 281.

¹⁴⁸ Francis Peck, *Desiderata Curiosa*, 1779.

¹⁴⁹ Ibid.,

¹⁵⁰ Camden notes this happened on March 29, 1614.

it proceeded of any love towards him, or to the intent to make use of him, is not certain; nevertheless, he puts him in trust with his most secret employments, in which he behaves himself honestly and discreetly, purchasing, by his wise carriage in that place, the good affection and favour not only of Rochester, but of others also.” ¹⁵¹

This “good affection and favour” was noticed much earlier between the two men. “In the process of time, favours procure profit; profit brings money; money generates honour; honour is the consequence for larger employments; and, in time, better execution; for where diligence and humility are associated in great affairs, there favour is accompanied with both, so that many Courtiers, perceiving great hopes, grew into familiarity with Overbury and Rochester’s expectations; and the latter’s business accomplished, rather more than less, according to his wishes, so that, taking notice of his diligence to outward appearance, he gives Overbury an extraordinary countenance, uniting him into friendship with himself, insomuch that, to the show of the world, his bond was indissolvable, neither could there be more friendship used, since there was nothing so secret, nor any matter so private, but Rochester imparted it to Mr. Overbury.” ¹⁵²

In the spring of 1612 as negotiations proceed with Tuscany and Savoy for a bride for Prince Henry, popular and ecclesiastical hostility mounts steadily. The Prince has grasped the objections to a Catholic marriage as firmly as if he had foreseen the ruin it was destined to bring upon his House. When his father proposes to marry him to a French Catholic, he is so “resolved that two religions should not lie in his bed,” that he prepares to fly to the Continent and marry a German Protestant. ¹⁵³

And another fight is detected between the Prince and Rochester: Prince Henry either struck the minion on the back with a racket, or was withheld in doing so; and, “Sir James Elphinstone [Lord Balmerino] on observing his Highness one day to be discontented with the Viscount offered to kill him; for which the Prince reproved him, and said that if there were cause, he would do it himself.” ¹⁵⁴

Elphinstone (or Balmerino) has a fascinating biography; his death, four months prior to the Prince’s death, is covered in some mystery.

¹⁵¹ Fulke Greville, *The five years of King James, or the Condition of the State of England, and the relation it had to other Provinces*, (London: W.R., 1643).

¹⁵² Ibid.,

¹⁵³ Charles Oman, *A History of England*, Vol. V., (London: Methuen & Co. Ltd., 1904).

¹⁵⁴ Arthur Wilson, *The History of Great Britain, Being the Life and Reign of King James the First, Relating to what passed from his first Access to the Crown, till his Death*, (London: Richard Lownds, 1653).

Elphinstone was a great favourite with the King, whom in 1603 accompanied the royal train to London. On February 20, 1604, he was created a Peer, with the title of Lord Balmerino, the estates of the Cistercian Abbey of Balmerino in Fife being converted into a Lordship. In the same year he was nominated one of the Scottish Commissioners to treat about the union with England, and in March 1605 he was made President of the Court of Session, and while holding that office successfully opposed Rochester's former employer, Dunbar. It was believed that King James intended to appoint Elphinstone to Secretary of State in England, but an end was put to his further promotion by his disgrace, which we believe was construed not only by Cecil but the Howards also.

What happened was that in 1599 a letter signed by the King had been sent to Pope Clement VIII, requesting him to give a cardinal's hat to William Chisholm who was Bishop of Vaison (a kinsman of Elphinstone) and expressing high regard for the Pope and the Catholic faith. Patrick Gray (the Master of Gray) sent a copy of this letter to Queen Elizabeth, who asked King James for an explanation. He asserted that the letter must be a forgery, and Elphinstone, as Secretary of the Scottish State, also repudiated its authorship.

When in 1607 King James published his *Triplici nodo triplex cuneus* in the allegiance oath controversy, Cardinal Bellarmine quoted at length the letter written in 1599 as a proof of King James's former favour to Catholicism. King James sent for Elphinstone. The account he then gave was that he had written the letter, and had surreptitiously passed it in among papers awaiting the King's signature. He was accordingly put on his trial, when he refused to plead, but he acquitted the King of any knowledge of the letter written to the Pope, which he said had been sent by himself as a matter of policy. The King confirmed the verdict of guilty which the jury found, and Elphinstone was in March 1609 sentenced to be beheaded, quartered, and demeaned as a traitor. The sentence, however, was not carried out.

According to a second account of Elphinstone, King James was not averse to correspondence with Pope Clement, but had scruples about addressing him by his "apostolical" titles, which were therefore afterwards prefixed by Elphinstone to the letter which King James, who was aware of its contents, had signed without hesitation. When the matter was brought up again in 1606, severe pressure was put by Dunbar and Cecil on Elphinstone to induce him to take the whole blame on himself, and on the promise that his life and estates should be secured to him he consented to exculpate the King.

Elphinstone remained imprisoned at Falkland till October 1609, when on finding security in £40,000, he was allowed free ward in the town and a mile around. Afterwards he was permitted to retire to his own estate at Balmerino, though he frequently visited Prince Henry's Court at St. James's Palace.

Elphinstone died of unknown causes in July 1612 after noting to the Prince he was willing to kill Rochester, "which the Prince reprov'd him, and said that if there were cause, he would do it himself." The fact that Prince Henry would kill Rochester ("if there were cause") lingered over Overbury and the Howards perhaps more than over Rochester, who was less intelligent, or less capable to predict than they were, who knew that their fortunes stood upon Rochester's shoulders.

The Prince and his brother Charles "went a-maying" to Highgate where Lord and Lady Arundel had a house and garden. This estate had been long a suspicious place of harbouring spies and orchestrating secret meetings that it was constantly spied upon by the King's creatures. So how freely was Prince Henry and his brother Charles allowed to attend this Mayday banquet at Arundel's, is anyone's guess; however, those youths did attend such a banquet, as Coke will tell us.

When the Overbury case takes at its peak, Coke manages to build upon some information from Anne Turner via Coke's planted "divine" that the Earl of Arundel's steward "came about one of the clock in the morning on Mayday in the year 1612 to her house, and called her up to provide a banquet for Prince Henry and his brother Charles, both of them going to Highgate with many others."

A paper in Coke's handwriting contains the following *Memoranda*, which describes his investigation in the matter. There is no date on the *Memoranda* when Coke began writing down what course he would apply; however, it was written after Anne Turner was visited by Dr. Whiting, which happened on two consecutive days, November 10th to 11th of 1615, and definitely after Thomas Monson's trial.

Coke's Memoranda

May Day before the Prince's death at Highgate

Mrs. Brittain entertained the Prince at that time [being] a Papist.

How long in Holborn?

Who spoke to her to furnish a banquet for the Prince on May Day; was three years?

Who paid for it? Where was it? Who wrought it? Who carried it?

Who were present at the Banquet?

What fruit was given him at the Banquet? Dried Grapes: Mrs. Brittaigne.

Thomas Packwood, who was a merchant tailor, had been searched for by Coke to learn that John Feryre (Master Cook to Prince Henry) had been transferred (after the Prince's death) to Queen Anne's Court by Rochester. During Overbury's imprisonment, John Feryre was applied to prepare "jelly" to be sent to Overbury, unknown by whose orders. Perhaps if John Feryre was brought in for questioning, this would have been resolved. There is no further reference on John Feryre or if he was brought in to be examined by Coke.

Thomas Packwood to Sir Edward Coke

(November 18, 1615) ¹⁵⁵

My good Lord,

I have neither wit nor words worthy of your Honour's observations; the matter I acquainted your Honour with this day, was touching one John Feryre, sometime Master Cook to our late Prince Henry, the remembrance of whose death pierces my soul with grief to this day. This Feryre since, was preferred to serve the Queen's Majesty, by the Earl of Somerset, the particulars whereof I refer to your Honour's collection and further examination [in] the matter. He [Feryre] refused to go with one Richard Keymer, Yeoman of the counting-house to the late Prince, for that said he, 'I am now busy about the making of jelly for Sir Thomas Overbury,' then prisoner in the Tower, and this Keymer being a very honest and worthy gentleman, is ready to attend your Lord if you command and think the matter worthy your consideration.

Thus submitting my soul to God, and my service to my King and country, I rest at your Honour's command, entreating humbly that your Honour would accept my honest meaning herein, and sound the matter which may prove more to your Lordship's content, than the manner of my short discourse.

By me Thomas Packwood Merchant Tailor at the sign of Warwick, on the
back side the Royal Exchange in London.

¹⁵⁵ State Paper Office, Domestic Papers, 1615, Nov. 18, No. 299.

Coke then goes into examining one Susan Saule (wife of Edwin Saule) a confectioner at High Holborn. Saule's examination is taken on November 28, 1615. Among other things, all she could offer Coke was that she was called to the house in Holborn, "to provide a banquet for the Prince that is dead; the banquet was all of dried fruit and rough candied; the banquet was set on the table about six of the clock in the morning."

We do not find any other documents on John Feryre or on Susan Saule; it seems Coke did not take the matter any further than already stated at this time, and this is proved by Bacon's words in his expostulation against Coke in the following letter, undated, but written in 1615.

Sir Francis Bacon to Sir Edward Coke ¹⁵⁶

In your last, which might have been your best, piece of service to the State, affectionate to follow that old rule, which gives justice leaden heels and iron hands, you used too many delays till the delinquents' hands were loosed, and yours bound. In that work you seemed another Fabius, where the humour of Marcellus would have done better; what need you have sought more evidences than enough? While you pretended the finding out of more, missing your aim, you discredited what you had found. This best judgments think, though you never used such speeches as are fathered upon you, yet you might well have done it, and but rightly; for this crime [the Prince's death] was second to none but the powder-plot, [in 1605,] that would have blown up all at one blow, a merciful cruelty; this would have done the same by degrees, a lingering but a sure way; one might by one be called out, till all opposers had been removed.

Besides, that other plot was scandalous to Rome, making Popery odious in the sight of the whole world; this has been scandalous to the truth of the whole gospel; and since the first nullity to this instant, when justice has her hands bound, the devil could not have invented a more mischievous practice to our State and Church than this has been, is, and is like to be. God avert the evil. But herein you committed another fault: That as you were too open in your proceedings, and so taught them thereby to defend themselves, so you gave them time to undermine justice, and to work upon all advantages both of affections, and honour, and opportunity, and breach of friendship; which they have so well followed, sparing

¹⁵⁶ Bacon's *Works*, (Montague ed.) Vol. VII.

neither pains nor costs, that it almost seems a higher offence in you to have done so much indeed, than that you have done no more.

You stopped the confessions and accusations of some, who perhaps, had they been suffered, would have spoken enough to have removed some stumbling-blocks out of your way; and that you did not this in the favour of any one, but of I know not what present unadvised humours, supposing enough behind to discover all, which fell not out so. Howsoever, as the Apostle said in another case, you went not rightly to the truth, and therefore, though you were to be commended for what you did, yet you were to be reprehended for many circumstances in the doing; and doubtless God has an eye in this cross to your negligence, and the briers are left to be pricks in your sides and thorns in your eyes.

FRA. BACON

Though Coke stopped at the moment when he was gathering his material/evidence on the investigation of the Prince's death by poison, we believe he did not take the initiative to stop the investigation entirely, and only put it on hold to gather further evidence. This is corroborated by a letter from Rochester to the King after the former's trial in May 1616. Rochester writes that if the King pursued the Prince's investigation further, he would fall from the stage; and if this happened, he would take the King down with him. The King took Rochester's advice and finally put a stop to Coke's investigations on Prince Henry's death. The letter follows; it is undated, but from its contents it can be seen that it was written just after Rochester's trial on May 25, 1616.

Viscount Rochester to King James ¹⁵⁷

To this [letter] I may add, that whereupon I was judged, [at the Bar,] even the crime [Overbury's case] itself might have been none, [nothing,] if your Majesty's hand had not once touched upon it, [interfered,] by which all access unto your favour was quite taken from me.

¹⁵⁷ Bacon's *Works*, (Montague ed.) Vol. VII.

[Rochester directly accuses the King of interfering in the Overbury case to such an extent, that the case became something as opposed to remaining of no importance. By this interference, Rochester knew he had lost the King's favour. The King's interference in the Overbury case is evident, and we will later produce the King's letter how he ordered the case to take its course.]

Yet as it did at length appear, I fell rather for want of well defending [myself], than by the violence or force of any proofs; for I so far forsook myself, and my cause, as that it may be a question whether I was more condemned for that, or for the matter itself [Overbury's death], which was the subject of that day's controversy. And as in my former letters [no longer extant] so by this, I humbly crave of your Majesty not to let the practicers of Court work upon your son the Prince Henry; not fearing the sufferings of my loss in that particular [subject] so much, for I cannot lose [in] it, but willingly all with it, as for to take off the stage, that which in the attempt may prove inconvenient.

[Rochester openly tells the King to stop the investigation into Prince Henry's death. He is not so much "fearing" that the result of the investigation will make him suffer to lose in the case because he would never lose, but he fears for that which will be taken "off the stage." Rochester feeling so sure he would never lose the case (if charged) tells us he has some evidence in his favour. He is more concerned that someone will be taken off the stage in the attempt. The only individual, who was sitting upon the stage of England at that particular moment, was the King himself. In addition, Rochester states that if the King is taken off the stage, then it would "prove inconvenient," because Prince Charles would take the throne at the age of fifteen and he was not, if anything, ready to rule England. It is doubtful he ever had been; Charles was only made King of England by the machinations of George Villiers.]

I will say no further, neither in that which your Majesty doubted my aptness [fitness or readiness] to fall into for my cause, nor my confidence is not in that distress, as for to use that mean[s] of intercession or anything besides. But to remember [remind] your Majesty that I am the workmanship of your hands, and bear your stamp deeply imprinted in all the characters of favour; that I was the first plant engrafted by your Majesty's hand in this place,

therefore not to be un-rooted by the same hand, lest it should taint [stain] all the same kind with the touch of that fatalness.

* * *

The King had doubted Rochester's ability, fitness, or readiness to be involved in falling into that which was for his cause. This could mean for any subject; but since it is connected with the previous paragraph, it is only logical Rochester is continuing to talk of the Prince's case. When this was mentioned by the King is impossible to ascertain at this point and cannot be proved with evidence. Rochester is further distressed that such mediations are now being used against him.

The fact is, Coke needed more proof not only on the Prince's death by poison, which was strongly suspected to have been by poison, but also proof that Rochester, together with Overbury, committed the highest possible charge against their King and country, which was High Treason. This will become clearer to our readers later on in this research, how some other trial was being prepared to charge Rochester (and Overbury posthumously) for High Treason, which was stopped after the King received Rochester's above given letter.

About the same time, a very curious examination to a very curious case comes to the spotlight from the Jacobean Courts of Law.

On June 6, 1612, the first "examination of Mary, wife of John Woods of Norwich, was sent for by Mrs. Suckling to tell her when her husband, Dr. Suckling, would die, and was offered a large reward if she would poison him, which she [Woods] refused to do." ¹⁵⁸ The Mary Woods case showed so many similarities with Frances Howard's charges in the Overbury case, that it could not have been coincidental.

We researched further into the case, which proved us correct: In a later examination we will give, it is recorded that Mary Woods had been approached by Frances Howard to acquire poison to get rid of her first husband.

Mary Woods practiced her arts at Norwich, and removed to London in 1612. After her arrest and examination, it does not appear that she was further charged under the Statute of 1604. ¹⁵⁹ This Act was more severe than the Elizabethan Statute, ¹⁶⁰ which it replaced in

¹⁵⁸ State Papers, James I., Dom.

¹⁵⁹ Jam., ch. 12 (1604) (Eng.).

¹⁶⁰ Eliz., ch. 16 (1563) (Eng.)

four respects: 1) It declared it to be a felony if the victim of witchcraft was merely injured rather than killed; 2) it replaced life imprisonment with death for the second offense in cases involving the use of magic to locate lost treasure or an unsuccessful attempt to kill someone by magical means; 3) it made it felonious to use a dead body for magical purposes; and 4) it made it a felony to “consult, covenant with, entertain, employ, feed, or reward an evil and wicked spirit.” ¹⁶¹

Perhaps Mary Woods was regarded as a mere charlatan, yet it would have been easy enough to hang her for a witch if the King had favoured such a prosecution. ¹⁶² Peculiar the King did not pursue Mary Woods, and possibly this was due to what we found out, that the case was a setup and camouflage.

Here are our reasons for noting this.

Throughout Frances Howard’s trial on the Overbury case, she was not once questioned in regards to the Mary Woods case (13 months duration) where she was being accused of requesting poison to murder her first husband, nor was she called as a witness to defend herself. The Lord Chief Justice Coke was directly involved in the Mary Woods case and the Overbury case; this will be evident as we come to these examinations. Coke could have questioned Frances Howard on the Mary Woods case, and the charges she was faced with then, were identical with the charges she was facing in the Overbury case. However, Coke did not utter a syllable on the Mary Woods case.

Finally, when the Mary Woods case began in June 1612, Frances Howard had no reason to go to Mary Woods to procure poison; she had Anne Turner the witch and Killigrew the amateur Alchemist who could have procured her enough poison to kill an army and would have gone to Simon Forman if he had not died in 1611. In addition, Turner and Killigrew would secure discretion, whereas Mary Woods was a stranger and liable to be indiscrete on such a delicate subject, as proved to be the case.

So we see how vital threads begin to spin outward in the Overbury case in the month of June 1612, which if taken in the right direction, illuminate puzzling events that have never been understood in the case.

¹⁶¹ Brian P. Levack, *Possession, Witchcraft, and the Law in Jacobean England*, 52 Wash. & Lee L. Rev. 1613 (1995).

¹⁶² Calendar of State Papers, Domestic, 1611-1618.

We know that Killigrew, the amateur Alchemist, was noted as “one of Rochester’s favourites” according to Chamberlain’s correspondence.¹⁶³ We can have no doubts that if Rochester knew Killigrew, then Overbury knew Killigrew; and this is corroborated by Overbury’s letters from the Tower written to Killigrew requesting emetics¹⁶⁴ and other concoctions. The letters will be given under the dates written.

Frances Howard used to visit and procure drugs from Simon Forman until his death on September 8, 1611; she also acquired witchcraft paraphernalia, and possibly concoctions, from her wet-nurse, Anne Turner. It was revealed at the grand trial of May 25, 1616, on the Overbury case, that Sir Thomas Monson also dealt in witchcraft, and was a former client to Simon Forman.

We can then say with certainty that Rochester, Overbury and Frances Howard all had at their fingertips three suppliers for drugs and poisons including witchcraft paraphernalia. This information was coming from Courtier and Ambassadors’ correspondence, including the State Papers and the State Trials on the Overbury case.

We now need to research if Prince Henry was poisoned in order to continue with this work and in order our readers make some sense of what we are saying.

A rumour has been circulating since 1881 that Henry, the Prince of Wales and apparent heir to the English throne, died of Typhoid fever on November 6, 1612. This came from a pamphlet written by Dr. Norman Moore in 1881 and published in Church & Langton’s edition of *Saint Bartholomew’s Hospital Reports*.

Dr. Moore stated he found in the Record Office, “The original of Coke’s account of the autopsy [on the Prince] and in the works of [Théodore] Mayerne [King’s physician] the clinical notes of the case written by Mayerne himself, with his opinions, and those of the other attendant physicians.”¹⁶⁵ The accounts Dr. Moore states he evaluated his diagnosis were from:-

(a) Theo. Turquet Mayernii, *Opera Medica*, J. Browne (London: 1701)

(b) A pamphlet in the Library of the Royal College of Physicians, 1700.

¹⁶³ John Nichols, *Progresses*, Vol. III. Correspondence of Chamberlain to Carleton.

¹⁶⁴ The most productive being “Potassium Antimonyl Tartrate;” (KSbC₄H₄O₇; (1/2) H₂O).

¹⁶⁵ Church & Langton, *Saint Bartholomew’s Hospital Reports*, Vol. XVII., p. 165, (London: Smith, Elder, & Co., 1881).

The above accounts which Dr. Moore refers to are short descriptions on the final 24 days and 23 nights of the Prince's illness, which was from Sunday, October 14th to Friday, November 6th of the year 1612. It is upon these final days that Dr. Moore evaluated and diagnosed the Prince died of Typhoid fever.

But this turns out to be misleading, and we explain.

The Prince was not well for at least 8-9 months prior to these final 24 days and 23 nights; and, it is definite that Dr. Moore either did not know this when he wrote his report, or refrained (for unknown reasons) to do further research as to when the Prince began to show signs of being ill.

Dr. Moore establishes the Prince suffered from Typhoid symptoms by just referring to the final days of the Prince's life; yet only giving the public these final days is a grave error which we believe was accidental rather than intentional. But by doing this, Dr. Moore obscured the actual duration the Prince was ill, which no doubt excludes Typhoid fever.

The above established, we can now say that when one reads the accounts Dr. Moore mentions he took his information from, it does not look like Mayerne himself wrote them, but someone who had the account given to write; the entire paper is written in the third person. This is not peculiar; all of Mayerne's personal medical case on the Prince's illness is no longer possible to obtain for research. The Prince's medical case has been "cut out."

We explain.

As with Cecil's medical case in Mayerne's *Ephemerides Anglicæ* (medical case journal) for 1612-1613 ¹⁶⁶ the Prince's medical case is mutilated. On the page immediately preceding the leaves removed (on page 48) there are some remains of sealing-wax, indicating that the leaves relating to the case had been first sealed up. Perhaps the sealing up was not considered sufficient security, so the leaves appear to have been removed. At the end of this manuscript volume is an index in the same hand as the prescriptions, namely Mayerne's; in the index there are two consecutive entries:-

1. Relation de la maladie et mort de Monsr. Le Prince Henry, f. 49.
2. My Ld. Rochester, Debilitas Ventriculi, f. 65.

¹⁶⁶ Sloane MSS. 2064, British Museum.

Dr. William Wadd ¹⁶⁷ was a surgeon who lived and practiced for more than half a century in London and prior to Dr. Moore's practice. When Dr. Wadd investigated Mayerne's medical journals for his work, entitled: *Mems. Maxims & Memoirs* printed in 1827, this is what he said: "It is remarkable that the leaves in these volumes containing the account of Prince Henry's last illness in 1612 have been cut out, probably by Mayerne himself, who endured great criticism upon his [the Prince's] death." ¹⁶⁸

There is no apparent source which we can now investigate to gain some knowledge of what medical treatment the Prince had been given during his illness, since Mayerne's journals are missing the Prince's medical case.

Whoever wrote the report which Dr. Moore located was not written by Mayerne (as noted) and it was not Mayerne's personal medical case file on the Prince. In all probability, it was a copy of a report that had been written on the generalities of the Prince's final days of his life and was deposited where Dr. Moore and other physicians had access to it.

This fact established we shall give two discourses which substantiate our claim that the Prince did not show signs of illness in his final 24 days and 23 nights of his life, but 8-9 months earlier. Both works are available to the public domain for cross-reference.

The first discourse was written by Sir Charles Cornwallis who accompanied the Prince during his illness and who was Treasurer of the Prince's Household. In 1626, a year after King James died, Cornwallis wrote a paper, entitled: "A Discourse of the most Illustrious Prince, Henry, late Prince of Wales. Written, Anno 1626, by Sir Charles Cornwallis, Knight, sometimes Treasurer of his Highness's House. London, printed for John Benson and are to be sold at his shop in St. Dunstan's Church-yard. 1641. Containing thirty-six pages in quarto." The discourse was republished in 1644, 1738 and finally in 1751 and inserted into Somers's *Tracts*, Vol. II.

The second discourse was written by Thomas Birch and inserted in his work, entitled: *The Life of Henry, Prince of Wales, eldest son of King James I*, printed in 1760.

Birch and Cornwallis are identical with their insertions of events. Cornwallis's discourse is with more detail, since he experienced and witnessed the Prince's illness in person. Birch's discourse has fewer descriptions and is written in an easier English language of the 1760's than that used by Cornwallis in 1626.

¹⁶⁷ (1776-1829)

¹⁶⁸ Dr. William Wadd, *Mems. Maxims & Memoirs*: (London, Callow & Wilson, 1827).

Here is what both Birch and Cornwallis tell us when the Prince began to feel ill. The Prince's birthday was on February 19th.

First appearance of illness (February-March 1612)

"The Prince, in the 19th year of his age, had a remarkable change in his constitution, occasioned by his continual fatigue of body and mind, or some internal unknown cause. For whereas his face was before somewhat round and full, and his disposition cheerful, his visage began now to appear paler, longer, and thinner; and he grew himself more serious and retired than usual; but without any complaint from himself, or suspicion of his attendants."

The "change" detected in the Prince was after his birthday on February 19, 1612. The Prince was noticed to have become "paler, longer, and thinner," though he did not complain of not being well. So his attendants were not suspicious that there was something wrong with his health. No one noticed, except Cornwallis and some others most probably, that the Prince began to withdraw, become "serious," and "retire" from business earlier than usual.

Elevation of illness (June 1612)

"About half a year after, he would now and then mention a giddy lumpish heaviness in his forehead; the pain of which obliged him to stroke up his brow and forehead with his hand before he put on his hat."

By June 1612 ("half a year after") the Prince had such intense migraines that he was now seen to "stroke up his brow and forehead with his hand before he put on his hat."

Climax of illness (October 1612)

"He used likewise to bleed at the nose often and in great quantity; by which he found great relief, till a little before his last sickness, when this discharge stopped. He was now subject to many and violent fainting fits, to recover him from which it was found necessary to make use of strong spirits. But, as these fits came upon him only at intervals, they were little regarded, and no considerable danger apprehended from them."

It is crystal clear that Cornwallis and Birch apply the Prince's illness into the three following stages:-

1. The first stage was sometime after his birthday on February 19th, when a "change" was detected in his stature.
2. The second stage was "half a year after" in June 1612 when he had intense migraines.
3. The final stage was in October 1612 which was the last before he died in November of that year.

The above is how the Prince's illness was detected, and Sir Charles Cornwallis's account is more weighed upon as proof of truth, since he was a witness; Dr. Moore should have investigated these discourses, which could have given more weight to his report and diagnosis.

The above established with evidence, we now must find evidence of what caused the Prince's constitution to deteriorate for so long (from February-March to November of the year 1612) being 8-9 months. There is only one answer which no doubt the medical faculty will agree with us; and that is, that there must have been some type of poison administered to the Prince, by the end of February and the early month of March, which had invaded his immune system. We searched for a poison that could have this capability and found the "Queen Mother of poisons," as it was called, being *Aconite*, derived from "Akonæ," a small city in Heraclea, Crete, of beautiful Greece.



Aconitum lycoctonum

A herbaceous perennial plant growing to 1 m tall. The leaves are palatably lobed with four to six deeply cut lobes. The flowers are 18-25 mm long, dark violet, rarely pale yellow. Like all species in the genus, it is poisonous. ¹⁶⁹

¹⁶⁹ Blamey & Grey-Wilson, *Flora of Britain and Northern Europe*, 1989.

Aconite could be moderated in such a manner as to take effect in two or three months, or six months, or even for years, as Theophrastus remarks, and also states that death from this poison, “the more lingering it was, became the more miserable,” ¹⁷⁰ as in Prince Henry’s case described by Cornwallis and Birch in their discourses.

That *Aconite* could be regulated to take effect and linger on a man’s constitution for as long as two years until it killed him, was very well known in the Jacobean era. Thomas Emerson, who had been noted in the State Papers to have been living in Northumberland, had boasted on November 16, 1615, during the Overbury trials, “that he could give a person poison which should not kill him for two years.” ¹⁷¹ And Plutarch records that one of the Philips of Macedon caused *Aconite* to be given to Aratus King of Sicyon, “which is said to have produced a gradual wasting of the whole body, accompanied by bleeding from the nose;” ¹⁷² identical symptoms witnessed on the Prince’s stature: “He did also use to bleed at the nose often, and in great quantity, wherein he found great ease, until a little before his sickness.” ¹⁷³

The poison which Theophrastus and Plutarch speak of was prepared from *Aconitum*, a plant which, on that account, people were forbidden to have in their possession under pain of capital punishment. Its preparation could bring on death within a certain period, as we mentioned and it was the most commonly used homicidal of poisons. Those, we are told, whose constitutions are able to hold out longest, die in the greatest misery as the Prince did: “For the body is gradually consumed, and must perish by continual wasting.” ¹⁷⁴ Those die easiest who die speedily. There was no chemical test for *Aconite* in those times, and it would not be likely to be detected during a postmortem, as Toxicologist Prof. John Henry, of St. Mary’s Hospital in Paddington (London) tells us: “It is the perfect drug to make a murder appear to be a suicide (or of natural death) because it leaves no mark on the body. It is difficult to detect in a postmortem unless it was specifically looked for.”

Traditionally, the plant has been used for centuries in herbal medicine. The Chinese prepared the roots by soaking in water before boiling to reduce its toxicity. It was then used as an analgesic or anti-inflammatory. The toxicity of the plant is so great that accidental

¹⁷⁰ Theophrastus, *History Plant*, Vol. IX., Chapter 16.

¹⁷¹ State Paper Office; Domestic Papers, 1611-1618. No. 37.

¹⁷² C. Thompson, *Poison Mysteries in History, Romance & Crime*, (London: The Scientific Press, 1923).

¹⁷³ Thomas Birch, *The Life of Henry, Prince of Wales, eldest son of King James I*, 1760.

¹⁷⁴ Theophrastus, *History Plant*, Vol. IX., Chapter 16.

poisoning can occur if the leaves are picked without the protection of gloves. Western medicine used *Aconite* until the middle of the 20th century before its properties were superseded by drugs which were safer and more effective to use.

What is interesting is that the *Aconite* plant was mostly to be found in England and Scotland which gives the following symptoms; those underlined were symptoms the Prince suffered for the length of 8-9 months beginning in February/March 1612 and climaxing in November 1612 until his death.

Symptoms of *Aconite* poisoning

Acute pains; benumbing sensation; coldness of feet and legs; coma or delirium; dizziness; excessive depression; face pale; feeble circulation and respiration; gastric irritation; great exhaustion; great thirst; impaired vision; pain in the head; pale face; prickling; pulse is weak then rapid; spasms of the stomach and bowels; tendency to faint; thrilling in the mouth and limbs; violent purging; vomiting.

We give below the symptoms of Typhoid fever. From the symptoms of *Aconite* poisoning, the Prince had at least 19; from the symptoms of Typhoid fever, he only suffered 5.

Symptoms of Typhoid fever

Weakness; cold and tired; headache; backache; diarrhea; constipation; loss of appetite; temperature rises and remains high for about 10-14 days; body temperature typically rises in the evening and drops in the morning; skin eruptions; tongue becomes dry and gets white patches in the centre; oily taste in mouth; inflamed bones; fever comes down gradually by the end of fourth week.

The manner in which *Aconite* affects the nervous system is not yet definitely known. If not too large a quantity has been swallowed, these effects are overcome by a swallow of vinegar. ¹⁷⁵ Gastritis and enteritis, with pulmonary and cerebral congestion, are exhibited upon a post-mortem examination. In simple fevers, *Aconite* aids diagnosis “if in twelve hours’ treatment with *Aconite* the patient is not well, or markedly improved, he has more

¹⁷⁵ *Extra Pharmacopoeia Martindale*, Vol. I., 24th edition (London: The Pharmaceutical Press, 1958).

than a case of simple fever.”¹⁷⁶ With *Aconite* poisoning, the body can sustain life (deteriorating gradually) for a long length of time, from two months, six months, and even for years.

Should Typhus fever do the same, would be an important debate for the medical faculty.

The only medical case we found which shows identical symptoms to Prince Henry’s, comes from Dr. Albert Busscher in 1880,¹⁷⁷ which was a case of poisoning by *Aconite*, and possesses all the exact details of an intentional experiment, and is of permanent value to toxicological literature. We will add this case next to Prince Henry’s in a table so our readers see the identical symptoms that Dr. Busscher’s case shows with what Cornwallis and Birch tells us happened to the Prince’s health for the duration of eight to nine months.

The intentional experiment of *Aconite* poisoning was admitted to a 61 years of age, thin, and of somewhat weak constitution labourer in Germany during the late 1800’s. The man suffered from neuralgia and a slight intermittent fever. The patient’s physician, Dr. Carl Meyer, prescribed for the ailment *Aconite* drops. The dosage was to be regulated to 20 drops four times daily. The patient was instructed verbally to increase the dose until he attained a maximum of 60 drops per day.

Notice how this poison can be regulated (in the form of drops in this case) so its effect is not detected at once but to produce un-wellness during the time the poison is administered till the dosage is increased and death to occur.

Identical case of *Aconite* poisoning

<i>Individual</i>	<i>Date/Administration</i>	<i>Symptoms</i>
German patient	March 1880 ¹⁷⁸ 5 drops administered	“He experienced a feeling of constriction.”
Prince Henry	February/March 1612 Unknown dosage	“His visage began to appear somewhat paler, longer and thinner than before, he himself being

¹⁷⁶ King’s American Dispensatory, 1898.

¹⁷⁷ Dr. Albert Busscher, *Intoxication by Aconite*, (Berlin: Clinic Wochenschrift, 1880).

¹⁷⁸ It is extraordinary that the month is identical of when the experiment in Germany began with when Prince Henry began to droop. It would be mystical if Dr. Meyer had some experiment in mind, which was to research Prince Henry’s death.

also more sad and retired than usual.”

German patient	20 drops administered	“He became giddy, there was excessive muscular weakness; he felt as if he had lost power over his limbs.”
Prince Henry	June 1612 Unknown dosage	“He would now and then complain of a small kind of giddy lumpish heaviness in his forehead.”
German patient	20 drops administered	“Convulsions were noted, especially of the face; the eyes were also prominent; twenty minutes after he had taken the dose vomiting came on, after which he again felt better.”
Prince Henry	June 1612 Unknown dosage	“Had two small fits of an ague [chills] which forced him to keep to his chambers.”
German patient	20 drops administered	“In the interval between the doses he felt weaker and weaker; he had no energy, and felt as if paralyzed.”
Prince Henry	October 1612 Unknown dosage	“At his going to bed, complaining more than usual of his laziness and headache.”
German patient	Final days 1880 20 drops administered	“His whole body was covered with perspiration; he was now convulsed, and lost sight and hearing; his eyes were shut, his lips cracked and dry, he could scarcely open his mouth, and he was extremely cold. The breathing was difficult and rattling from time to time the muscular spasms came on.”
Prince Henry	November 1612 Unknown dosage	He was skirmish with a weak pulse; rattling of the voice; shivers. He remained “all this evening

in an agony,” experiencing thirst and his vision became impaired to the extent that “his eyes also being so dim that they were not able to endure the light of a candle.”

Aconite, according to Dr. S. Ringer, is a protoplasmic poison, destroying the functions of all nitrogenous tissue; first of the central nervous system, next of the nerves, and last of the muscles. *Aconite* without doubt acts powerfully on the heart, ultimately paralyzing it. “There is first a slowing of the pulse, ascribed to a central excitation of the vagus [nerve]; ¹⁷⁹ then a quickening, due to paralysis of the peripheral termination of the vagus in the heart; lastly, the heart’s action becomes slow, irregular, and weak, and the blood-pressure sinks. The difficulty in breathing and convulsions are the usual result, seen among all warm blooded animals, of the heart affection. Plugge found that the motor nerves, and more especially their intra-muscular terminations, were always paralyzed; but if the dose was small the paralysis might be incomplete. Boehm and Wartmann, on the other hand, considered that the motor paralysis had a central origin, a view not supported by recent research. The action of *aconite* in this way resembles curare. The muscles themselves preserve their irritability, even after doses of *aconite* which are five to ten times larger than those by which the nerve terminations are paralyzed.” ¹⁸⁰

Prince Henry’s postmortem has come down to us as have those of deaths by *Aconite* poisoning. The identical postmortem appearances are worth adding.

Aconite poisoning postmortem	Prince Henry’s postmortem
The corpse is of a marble paleness.	Skin: Pale.
The spleen is enlarged, filled with much dark blood.	Spleen: Of a dark colour above and below; much distended (enlarged) with dark blood.

¹⁷⁹ “wiseGEEK,” Mary McMahon’s article, “What is the Vagus Nerve?” January 2014. Accessed 2014. <http://www.wisegeek.org/what-is-the-vagus-nerve.htm>

The vagus nerve “helps to regulate the heartbeat, control muscle movement, keep a person breathing, and transmit a variety of chemicals through the body.”

¹⁸⁰ Alexander W. Blyth, *Poisons: Their Effects & Detection*, (London: Charles Griffin & Co., 1906).

In the pericardium there is a quantity of **bloody serum** and lungs congested.

The brain is generally **blood-red**.

Lungs: Very dark in colour, and here and there spotted with black. Full of dark blood and **blood-stained serum**, which flowed out on section.

Brain: The posterior cerebral sinuses distended with **blood**.

Closing the section upon Prince Henry's death, we only enlarged upon the matter to offer our readers a different view than what the Victorian medical faculty has given the world. We do not force this evidence upon our readers and only offer the other side of the coin, because as Theophrastus well noted, it is difficult for the light of truth to penetrate into a mind that is crammed full of opinions to which it clings; and to such clinging of opinions (since the 1800's) that Prince Henry died of Typhoid fever, are unable to rise into the region of independent thought to receive the truth.

Prince Henry begins to suffer from intense migraines in June 1612 (the second phase of his illness) to such an extent, that he is seen to "stroke up his brow and forehead with his hand before he put on his hat." At the same time, Overbury begins to openly quarrel with Rochester; he tells him to give him his "portion due" ¹⁸¹ and to hell with him if he intended on marrying the Howard woman. ¹⁸² These quarrels are noticed to have begun in June 1612, a month after Cecil dies.

On July 22, 1612, the Archbishop Abbott writes to the King: "The lingering in England of the Spanish Ambassador, Don Pedro de Zuniga, is very suspicious. He has secretly dispersed £12,000 or £13,000 already in England, and tampers by night with the Leiger Ambassador ¹⁸³ from France. He was in England at the time of the powder treason [1605] and God knows what share he had in that business." ¹⁸⁴

¹⁸¹ Examination of Payton (servant of Overbury) examined by Coke at Rochester's trial on May 25, 1615.

¹⁸² Fulke Greville, *The five years of King James, or the Condition of the State of England, and the relation it had to other Provinces*, (London: W.R., 1643).

¹⁸³ Messenger Ambassador.

¹⁸⁴ State Papers, James I., Dom.

Another letter of the same flavour is sent to Rochester from Lord Sheffield: “There being no foreign Secretary, requests him to acquaint the King that a packet of letters for the Venetian Ambassador was sent to him; an Italian Gentleman, well accompanied, who professed to be the Venetian Ambassador, has passed through York on his way to Scotland. Thinks it strange that an Ambassador should travel like a spy; requests instructions how to conduct himself towards him on his return.” ¹⁸⁵

Did the King investigate what Archbishop Abbott wrote?

Did Rochester inform the King of “strange” individuals masquerading as Ambassadors as Lord Sheffield wrote?

If the King investigated, or if Rochester informed the King, it is nowhere recorded.

Perhaps the King was busy delving into the following case, which no doubt thrilled him more. On July 22, 1612, the Northamptonshire witch trials ended and those executed at Abington Gallows were: Arthur Bill of Raunds; Mary Barber of Stanwick; Agnes Browne of Guilsborough; Joan Browne-Vaughan (daughter of Agnes) of Guilsborough; and, Helen Jenkinson of Thrapston. ¹⁸⁶ Although the above were recorded in the original tracts of the time, ¹⁸⁷ subsequent tracts have also mentioned the following women as accused in 1612, but without evidence that they were ever executed: Katherine Gardiner; Joan Lucas; Alice Harris; Alice Abbott; and, three of the Wilsons’s family. In addition, Arthur Bill’s mother and father are also said to have been dunked and both floated, condemning them as witches. It was rumoured that they both committed suicide in prison although there is an alternate story which reports that the father renounced his family to save his own neck after which the mother slit her throat rather than stand trial.

The witch case over, on August 1, 1612, George Calvert writes as follows to Sir Thomas Edmonds respecting Rochester: “You know the premium mobile of our Court by whose motion all the other spheres must move, or else stand still; the bright sun of our firmament, at whose splendour or glooming all our marigolds of the Court open or shut. In his conjunction all the other stars are prosperous, and in his opposition malominous. There are, in higher spheres, as great as he; but none so glorious. All this is no news to you. To leave allegories, the King is in Progress, and we are too far from the Court now to hear certainties.

¹⁸⁵ State Papers, James I., Dom.

¹⁸⁶ Robbins, *The Encyclopedia of Witchcraft & Demonology*, (New York: Bonanza Books, 1959)

¹⁸⁷ C. l’Estrange Ewen, *Witchcraft & Demonianism*, 1970.

It is told me that my Lord of Pembroke and my Lord of Rochester are so far out, as it is almost come to a quarrel; I know not how true this is, but Sir Thomas Overbury and my Lord of Pembroke have been long jarring, and therefore the other is likely.”

What exactly was the subject of Overbury’s quarrel with the Welsh Earl of Pembroke is not known in detail, but from Overbury’s letters (given later) it looked like some suit gone wrong.

We notice an extract from a letter of Henry Howard’s to Rochester written on the same day as George Calvert’s. Amongst other things, the letter talks of “hopes [that] he [Rochester] will escape the enemy, who tried to shorten his days by strawberries and cream. The little lord [Cecil], when at Bath, wished never to be separated from the Welsh Earl [Pembroke], who is likely to prove an Alchemist.” Should we take Henry Howard’s reference at face value, then it shows Pembroke was likely an Alchemist and “tried to shorten” Rochester’s “days by strawberries and cream,” which was poisoned.

It looks like the King had surrounded himself and his family with quacks, Alchemists, “dangerous Papists,” and pernicious Courtiers. More distressing, the King seems to have enjoyed their company. But what is important in the case, is if the Howards put into Rochester’s head that Overbury was behind this “strawberries and cream” poisoning attempt against him, and it would not be difficult to believe, since Overbury had given the idea to poison the Prince in the first place. So anything could have happened to secure Rochester’s hatred towards Overbury from this point onwards, if it was not already secured by some other sly mannerism amongst themselves. Yet we believe Overbury had established some security for his safety and it will come up in our research sooner than later.

In the meantime, Raleigh from the Tower forwards his discourse on Prince Henry’s marriages which can be found in Raleigh’s *Works*.¹⁸⁸ The Prince’s premature death avoided a major confrontation with his father on these marriage treaties. One of the Prince’s last letters to his father, in regards to the marriage treaty James had setup for him, is dated October 14, 1612, and is worth giving.

¹⁸⁸ Raleigh’s *Works*, Vol. VIII., p. 237.

Prince Henry to King James
(October 14, 1612) – *(last letter)*

As for the time they will bring the Princess of France into England, I believe the sooner it is, the better, and that your Majesty ought not to demur thereupon. The younger she is, the more time we shall have, and easiness to instruct her in our religion, and convert her; since they ask of your Majesty to explain yourself as to the liberty the Princess shall have in the exercise of religion; I desire you to answer your Ambassador [Sir Thomas Edmondess] positively, that you will not agree to any other condition with France, than what the Duke of Savoy had demanded when he offered you his daughter; that is to say, that the Princess shall have the liberty to follow her religion in private, and in the most retired chamber of her apartment. I confess these are too narrow and straight conditions; but if France speaks sincerely, I do not question but she will be content with them. If your Majesty regards the greatness of a dowry, I think you will prefer the Princess of Savoy. She brings with her 200,000 crowns more than the Lady of France; for at least I can scarce persuade myself that the Regent will give more to the second daughter than to the eldest. But if your Majesty lays aside interest, to do what shall be more to the mind of the general body of Protestants abroad, it seems to me you will rather incline to France than Savoy.

Lastly, I fear your Majesty should not be contented with the indifference I show for all the propositions of marriage which are made me. I most humbly beg your pardon for it is you, who are to take the most advantageous resolution for the good of the State. I have but little experience in political affairs, and cannot speak like a man smitten with love upon this occasion.

HENRY H.

Following is what we believe happened late February early March 1612, and backed up by evidence.

Overbury throws on the table his idea to rid them of the Prince. We have not been able to secure enough evidence to tell our readers to whom Overbury mentioned the idea; it could not have been to many and perhaps only mentioned in the beginning to Rochester. Nothing passed in or out of England without Rochester and Henry Howard's approval. The latter was Lord Warden of the Cinque-ports and allowed numerous individuals (including Blackfan) a "dangerous Papist" to enter England. Furthermore, nothing was created or demolished in

England without Rochester knowing about it. At least Rochester and Henry Howard had the power to secure success in Overbury's idea.

Opportunity existed to perform the idea since the Prince was not a prisoner in his Household. Any servant or knave (as the Howards would call them) could have been bribed to add poison in the Prince's food and drink, and later silenced; something Coke mentioned would have happened to Weston.

Motive definitely existed to execute the idea since the Prince was more than a threat; he was their mortal enemy. Their destruction was certified once the Prince became King.

Means was abundant; *Aconite* poison was found in England and Scotland, and easily procured by any of the following individuals: Simon Forman (prior his death in September 1611); Killigrew (an amateur Alchemist); Anne Turner (a witch); and, Thomas Monson (former client of Forman's), and none would bother to whom the poison was administered, because Frances Howard kept boasting publicly about wanting to kill her husband since 1611.

That *Aconite* could be regulated to take effect and linger on a man's constitution for as long as two years until it killed him, was not unknown in the Jacobean era and we proved this poison had that ability.

We therefore establish that means, motive, and opportunity existed for murdering Prince Henry in 1612. However, the secret that Overbury held in his hand against Rochester is potent; and Overbury places himself in a vulnerable position by this time, because it was he who first gave the "damnable and fatal advice" to murder the Prince. What if Rochester could prove this, if and when needed? And what if Overbury could prove Rochester was one of the instruments involved in the murder of the Prince?

If a fight began between these two men, or if they threatened each other, or whatever anger and jealousy can be produced between two men who strive for power and more power, what would they need to have so they secure one would not rat out the other? The answer is simple: One of them had to die and this is exactly what Rochester said, when Bacon told us that one of Rochester's servants, a man called Simcock who was also

Overbury's landlord, testified he told Weston that Rochester had "charged him to look to Overbury well; for if ever he came out, one of us two must die." ¹⁸⁹

This fortifies our case.

The above mentioned, the murderers created a diversion. It must be remembered that we are talking of the 1600's where there was no telecommunications. Those who could read, had gossip writers to inform them of events; and those who could not read, had as their own mass media the Courts of Law. Whatever case had scandal and intrigue, it spread like fire.

So the Mary Woods case is setup to divert not only the publics' attention, but also the attention of those in the King's Court. When the Mary Woods case was established, the administering of poison to the Prince began and was regulated, to take effect for the month of November; because November and especially if it could be for the 5th, was not only a sacred day for King James, but also a warrior day, being Tuesday.

And this is where we believe James was involved, which not only explains Rochester's letter we gave earlier where he tells the King to back off from further investigating the Prince's death in 1616 or he would take him off the stage, but also explains why the King pardoned Rochester in 1616 including Monson who most probably was well aware of those who were involved.

The god Týr or Tiw, identified with Mars, after whom Tuesday is named.



It is not coincidental, that all major events in King James's life were (if possible) placed for a Tuesday. The English name for Tuesday is derived from Old English *Tiwesdæg* and Middle English *Tewesday*, meaning "Tiw's Day," the day of Tiw or Týr, the god of single combat, victory, heroic glory in Norse mythology; the war god, son of Odin who sacrificed his hand in the binding of Fenrir.

¹⁸⁹ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

- Tuesday, August 5, 1600, King James, after hunting for four hours, rides to visit Lord Gowrie-Ruthven, a neighbour. After lunch, the King's attendants slay that Nobleman and his brother in their own house.
- Tuesday, November 5, 1605, a day appointed for the opening of a new parliamentary session, when London rang with the news that in the course of the night a diabolical plot was discovered where King and legislature were to have been "destroyed at a blow."
- Tuesday, January 18, 1614, a warrant by the Privy Council is issued to arrest Henry Peacham who stood charged with writing a treasonable book (or pamphlet).
- Tuesday, November 14, 1615, Anne Turner (witch) was executed.

Henry, Prince of Wales



The people of England went into deep mourning when their "darling, and the delight of mankind" ¹⁹⁰ passed away on November 6, 1612. The Prince's funeral cost £16,016, ¹⁹¹ and his body lay "in State" until his funeral at Westminster Abbey on December 7, 1612.

Two thousand mourners attended with Archbishop Abbott giving the funeral sermon. A magnificent hearse was erected on which was placed the Prince's richly clothed funeral effigy made by Richard Norris with the plaster face modeled by Abraham Vanderdort.

¹⁹⁰ William Wadd, *Mems. Maxims & Memoirs*: (London, Callow & Wilson, 1827).

¹⁹¹ Winwood's *Memorials*.

Unfortunately, only the wooden frame of the effigy now remains in the Abbey's reserve collection; the robes had been stolen as early as 1616 and the head of the effigy had gone by 1872. The Prince was buried in the vault of his grandmother Mary, Queen of Scots in the south aisle of Henry VII's chapel. Lack of a monument for him in the Abbey was much commented on at the time as was the King's orders that no blacks be worn as mourning for the death of his son,¹⁹² whose death "a tear cries still of vengeance."¹⁹³

The Prince's Mottos:

Fax mentis, Honestæ, Gloria

[Torch of Knowledge, Honesty, Glory]

Juvat ire per Altum

[It helps to go through the deep]

The Prince's Stature:

The Prince was comely tall, five foot eight inches high, strong and well made, somewhat broad shoulders, a small waste, amiable with majesty. His hair auburn colour, long faced, and broad forehead, a piercing grave eye, a gracious smile, but with the most awful frown.

The Prince's Character:¹⁹⁴

Courteous and affable, natural shame fast being shy and modest, patient and slow to anger, merciful and judicious in punishing offenders, quick to conceive, yet not rash; very constant in resolve, wonderful secretive of any trust, even from his youth his carriage prince-like, fearless, noble, undaunted, saying that there should be nothing impossible to him that had been done by another.

* * *

On November 9, 1612, three days after the Prince's funeral, Rochester wrote from Whitehall to Edmondes to begin a negotiation for a marriage between Prince Charles and the second daughter of France. Edmondes, upon receiving the letter, had more sense of

¹⁹² Ob. 6 Nov. 1612, Æt.18.

¹⁹³ Sir Anthony Welldon, *The Court and Character of King James I*, 1650.

¹⁹⁴ (a) Roger Coke, *A Detection of the Court & State of England*, Vol. II., (London: Bell at the Cross, 1717); (b) Sir Charles Cornwallis, *A Discourse of the most Illustrious Prince, Henry, late Prince of Wales*, 1626.

decency, and delayed the negotiations; the King later succumbed and wrote to Edmondes: “It would have been a very blunt thing in us, that you, our Minister, should so soon after such an irreparable loss received by us, have begun to talk of marriage, the most contrary thing that could be to death and funerals.”

This conduct of Rochester should not amaze, neither should the King’s statement, which implies Edmondes was in total to blame, since this would divert any hint of true fault toward Rochester who was the first to have requested the marriage negotiations so soon after the Prince’s death.¹⁹⁵

James’s little sorrow for the death of a son, who divided with him the hollow worship of the Royal Court, and indirect, if not direct means, exposed the Prince to odium contempt,¹⁹⁶ should not surprise us the least.

On November 19, 1612, a brief was drawn up for the King by Richard Connock (Auditor of the late Prince) “of the state of his revenue, amounting to £54,315,7s., and of the debts owing by and to him, which leave a balance for his Majesty of £9,471,8s., besides jewels, horses, medals, and other things of great value.”¹⁹⁷

On December 9th and 10th, we come across three examinations in the Mary Woods case worth adding.

December 9, 1612¹⁹⁸

“Examination of Chris Marshall of Norwich, Draper. Practices of Mary (wife of John Woods) to poison her husband or be divorced from him. She professes to have a familiar spirit.”

December 10, 1612

“Testimony of Mary Lunne of Consford. Mary Woods and her husband slept at her house, and stole some articles of dress, and a brass pot. With her bond to appear against her at the Sessions.”

¹⁹⁵ Princess Elizabeth was married to Frederick V, Elector Palatine on February 14, 1613.

¹⁹⁶ Sir James Mackintosh, *History of England*, Vol. IV., (London: Brown, 1835).

¹⁹⁷ State Papers, 99/11, ff. 174-75.

¹⁹⁸ State Papers Office, Domestic Papers.

December 10, 1612¹⁹⁹

“Testimony of K. Mason that she received in person the before-named goods, stolen by Mary Woods. Examination of Peter Walker’s wife, relative to money obtained from her by ‘cunning Mary,’ alias Mary Woods, on pretence of saving her from death by witchcraft.”

Carleton wrote from Venice to Chamberlain on December 14, 1612, and told him: “There was a royal present now prepared by the Grand Duke of Tuscany to be sent the Prince [Henry] which was the 12 labours of Hercules in statues of brass set upon so many pillars of ebony and three goodly coursers of Naples, which would have so well suited with the greatness of his spirit and exercises wherein he took most delight that it seems they were not to seek what would be most acceptable.”²⁰⁰

What happened to this extraordinary gift, and if it was sent to England even though Prince Henry was no longer living, is unknown.

The Twelve Labours of Hercules



1) HERAKLES KILLS THE NEMEAN LION; 2) HERAKLES BATTLES THE LERNEAN HYDRA; 3) HERAKLES BRINGS THE STYMPHALIAN BIRDS TO ATHENA; 4) HERAKLES CAPTURES THE CRETAN BULL; 5) HERAKLES TAMES THE KERYNEIAN HIND; 6) HERAKLES KILLS THE AMAZON QUEEN HIPPOLYTE; METOPES FROM THE EAST END: BOTTOM ROW LEFT TO RIGHT: 7) HERAKLES WITH THE ERYMANTHIAN BOAR; 8) HERAKLES WITH ONE OF THE MARES OF DIOMEDES; 9) HERAKLES KILLS GERYON; 10) HERAKLES AND THE GOLDEN APPLES OF THE HESPERIDES; 11) HERAKLES AND KERBEROS; 12) HERAKLES CLEANS THE AUGEAN STABLES.

¹⁹⁹ State Papers Office, Domestic Papers.

²⁰⁰ State Papers, 99/11, ff. 174-75.

In an undated manuscript of the Cecil Papers rests reference pertaining to the Prince's death, of one Mr. Bird "Charged with conspiring the death of the King and Prince Henry. His innocence appeared by his late examination, and yet he was kept prisoner, fettered and manacled, and many times locked and chained to a post, for seventeen weeks, so that he lost the use of his left arm, and is deprived of maintenance. Prays for relief."

We believe this was a setup charge against Mr. Bird, because it was raging over rooftops that the Prince was poisoned, and his death had flooded pity and mourning on all of England. In order the King not feel left out of this situation, since his character tells us he would have been striving for such sympathy and love his subjects were showing for his dead son, he manufactured the above arrest to take place of Mr. Bird, and fortunately we hear nothing else on this case and leave it where it was left in 1612.

This was a time when Rochester is created the 1st Earl of Somerset, leaving behind the mean title of Viscount, and leads us into the events of the year 1613. Yet, before we enter the new year, we will recapitulate what has happened so far, which will offer our readers the exact nature as to why Overbury will be killed.

As we saw, it was not until the year 1611 when Overbury returns from abroad and undertakes all of Somerset's neglected State business; rumours circulate the King is so besotted with Somerset, that he is ready to adopt him as his son; Courtiers witness the hostility and conflicts between Prince Henry and Somerset, which no doubt signs were brewing prior to this year, and probably were brushed aside as minor discrepancies between the two; and, it is a year when Dr. George Turner and Simon Forman (by September) have died. We cannot prove that Turner and Forman were taken out; but, if these men secured and procured *Aconite* poison prior their deaths, it is not too extravagant to say they would have been silenced prior the Prince's total deterioration.

The Prince's Court had already been established at St. James's Palace, away from his father's which was at Whitehall; his mother's Court was based at Somerset House. The Prince's Household numbered 141 members, 56 above stairs and 85 below. Its size increases rapidly, until at the Prince's creation in 1610, there are 426 in the Household, 297 with wages and 129 without.²⁰¹

²⁰¹ *Archaeologia*, Vol. XII., p. 8.

Here, at St James's Palace, the Prince frequently entertains those of his age and the brilliant of both sexes; he keeps about his person a number of young Gentlemen whose spirit and tastes assimilate with his own, being the absolute opposite of his father. His popularity is the manner in which his Court is attended and possesses but little or no political influence, and having but few opportunities of rewarding his friends. Yet this Court is far more frequented than that of his father's, causing paternal jealousy when the King shrieked, "Will he bury me alive?" ²⁰²

Positions are often bartered and distributed without much regard for the wishes of the Prince or his immediate guardians, whose head of it was now Sir Thomas Chaloner, formerly an English spy abroad, and in Scotland during the winter preceding the death of Queen Elizabeth. Sir Chaloner was a Gentleman of scholarly parts, and in his later years interested especially in scientific studies. ²⁰³ He is mentioned early, because later we will see how Somerset burglarized Chaloner's house to search for documents that were left there by Overbury.

The Prince had built his Court in quite an opposite style and mannerism from his father's where not only the King specifically invited flatterers in entering, but the King's Courtiers also. This meant that Overbury, Somerset, and the Howards were restricted from gaining access to the Prince's Court; so one can only imagine how, when the Prince became King, which was apparent since he was next in line, then whoever had been restricted from the Prince's Court when he was still a Prince, so much more access denied would have been enforced when he would become King of England.

As a strict and cold hearted business man with "miserable bargains of ambition" as Bacon noted, Overbury was willing to tread on dead bodies to either keep his fortunes and/or elevate them. He was not ready, and never would be ready to lose those fortunes. So he was the first to "give that damnable and fatal advice of removing out of the way and world that royal youth by fascination, and was himself afterwards in part an instrument for the effecting of it." What Overbury's role was in the procuring of poison to the Prince can only be conjectured on; however, Overbury would have been capable of persuading

²⁰² Thomas Birch, *The Life of Henry, Prince of Wales, eldest son of King James I*, 1760.

²⁰³ Sylvester's *Lachrymæ Lachrymarum* entered the Stationers' Register as "A vial of Household tears by his Highness' first worst poet and pensioner," and containing in the third edition elegies by Donne, Sir W. Cornwallis, Joseph Hall, Sir Edward Herbert, Sir Henry Goodyear, George Gerard, S.T.C., which was Sir Thomas Chaloner, Henry Burton who was Clerk of the Closet, and other members of a literary group which was composed in part of Gentlemen of the Prince's Household.

Somerset to agree to the murder of Prince Henry and also fortify his points that they would never be discovered.

Bacon so wisely pointed out that death by poison is “grievous beyond other murders;” first because it takes a man unaware that his food or drink has been tampered with; and second, that it is easy to procure poison and cannot be detected upon death unless looked for and “hardly prevented, and hardly discovered.”

The Prince dead, Overbury felt secure; however, he definitely noticed one other obstacle which he thought was easier to remove than a Prince, and we believe this was Overbury’s mistake. He underestimated not only a woman’s powerful influence, perhaps because he never experienced it, but also the Howards.

It almost seems like the Howards were tugging Somerset from one arm and Overbury tugging from the other side. The motive of course was to secure Somerset’s influence and favours, since his position, power, and affection was witnessed to be coming from the most powerful man in England, who was King James.

There was a motto in those days: You always follow those whose power is secure. Prince Henry had no power, even though he would gain power once his father died. But how long would this be? Another ten years? Twenty? Thirty? The previous Sovereign ruled England for almost forty years. So whose power was the most secure at the immediate time? King James’s was, and so it was James who Overbury advised Somerset continue to follow and cut off, as security, any future threat to their fortunes.

Since Overbury’s return from abroad in the early months of 1611, his health suffered; he had his spleen, and he also had “in the brawn of the left arm an issue [wound] kept open with a little bullet of gold,” ²⁰⁴ to keep the wound sterilized. We do not know how Overbury received this wound, but his strength was deteriorating, and possibly, after all the persuasions and constant attempts to finally get Somerset to agree to have the Prince murdered, and adding the efforts and machinations, and intricacies until the Prince was taken out, Overbury must have already been feeling a wreck.

It should be remembered that Overbury had also suffered being a prisoner in the Tower on two separate occasions upon his return from abroad, so by the time he arrived at his third imprisonment in April of 1613, he was not the Overbury he used to be, and seeing that

²⁰⁴ State Paper Office; Domestic Papers, 1615, No. 159: The Examination of Robert Bright (Coroner of the County of Middlesex) October 1, 1615.

Somerset was diverting his attention further away from him, after all they had gone through to secure their power and fortune for years to come, Overbury turns against the person who in his eyes was to blame for this; and that person was Frances Howard.



ALMOST ABSOLUTE POWER

The King's government was now being governed by the Howards and by Somerset, who had grown the audacity "to drag the King by the nose;" ²⁰⁵ being seduced by a Howard, this family could control him quite easily, as Overbury could now control Somerset. But notice what happens at this point of absolute power.

"Someone or other told James that it was commonly reported that, whilst Somerset ruled the King, Overbury ruled Somerset;" ²⁰⁶ who this person was, can be found in a letter of Overbury's to Somerset. When using code names, Overbury wrote: "*Libels* had told him [King James] you governed him, and *Agrippina* [Queen Anne] told him he durst [dare] do nothing to discipline you." ²⁰⁷ Later, in another letter, Overbury tells us that *Libels* was Thomas Howard.

Bacon noted at Somerset's trial that Overbury and Somerset used cipher names in their correspondence: "That his Majesty was called *Julius*; the Queen, *Agrippina*, though Somerset now says it was *Livia*; Lady of Suffolk was *Agrippina*; the Bishop of Canterbury was *Unctius*; Henry Howard was *Dominic*; Suffolk [was] first *Lerma* after *Wolsey*; Sir Neville was *Simonist*; the new Lord Chancellor [Sir Thomas Egerton] was *Wolfy*; the Lord of Canterbury was *Ductius*."

So Somerset, together with the Howards, conspires against their very apparent threat who was Overbury. They begin to throw rumours wherever they can that Overbury ruled Somerset and Somerset ruled the King. Sooner than later, Thomas Howard slithers these rumours to the King and even Queen Anne takes part in throwing the arrows, by saying to

²⁰⁵ J.O. Halliwell-Phillipps, *Letters of the Kings of England*, 1846, from a manuscript at Lambeth Palace: King James's letter to the Earl of Somerset, November 1614.

²⁰⁶ Samuel R. Gardiner, *History of England*, Vol. II., (London: Longmans, Green & Co., 1883).

²⁰⁷ *State Trials*: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

the King “he durst [dare] do nothing to discipline” Overbury. It was not difficult to attach Queen Anne to this plot because she despised Overbury more than any other individual, and we believe she knew deep down that it was Overbury who was the chief contriver in killing her firstborn son.

The Mary Woods case comes to the surface again with a course of new examinations beginning February 26, 1613. The first given of this year tells us Mary Woods was approached by Frances Howard: “Received a goblet and a diamond from Mrs. Clare, and a ring from Lady Essex [Frances Howard] with the promise of £1,000 if she would procure some poison to kill the Earl of Essex, that should not act within three or four days. She repented afterwards, would not get it, and left London.” ²⁰⁸

While Mary Woods still captures the public’s attention, Overbury does not remain idle. As security, for Overbury knew he needed security, he orchestrates a burglary and steals documents from Somerset’s private chambers at Whitehall. He stashes some documents at his house and gives some (under false pretense) for safe keeping to Sir Thomas Chaloner who was Prince Henry’s tutor. The event happened on March 10, 1613, a month before Overbury is imprisoned: “The favourite’s chambers at the Banqueting House in Whitehall are broken into and robbed; what he lost is not known, for they left his gay clothes and whole pieces of cloth of gold and rich stuffs.” ²⁰⁹

It is naive to believe this burglary was accomplished by common thieves since we hear of no thief ever being apprehended for the act; furthermore, the Banqueting House in Whitehall was not open to commoners or vagabonds. If it was a staged robbery, it was meant to threaten Somerset and executed by a frequent visitor, who knew exactly what to look for, and what to take.

Whatever secret documents lay in Somerset’s chambers, within chests and trunks, Overbury acquired them for his own security and left behind “gold and rich stuffs.” And right here lays the motive of Overbury’s third imprisonment, which could have been sparked from blackmailing Somerset to threatening to tell the King of their Poison Powder Plot against Prince Henry, which was investigated by Coke but halted by the King.

²⁰⁸ State Papers, James I., Dom: Examination of Mary Woods of Stratton-Strawless near Suffolk (Norwich).

²⁰⁹ John Nichols, *Progresses*, Vol. III: Correspondence of Chamberlain to Carleton.

From this moment onwards, the destruction of Overbury is guaranteed. There was no way Overbury could produce, out of the blue, evidence against Somerset as being guilty in the Prince's murder, without sealing his own guilt and fate, and Somerset knew this.

On this very same day, the King had his own problems; he was in Newmarket and "escaped a great danger; the foundation of the house where he lay began to sink on the one side, with great cracks, so that the doors and windows flew open and they were fain to fetch him out of his bed with all possible expedition." ²¹⁰

With confidence, Somerset acts "like a stroke of thunder;" with the support of the King, who was now feeling the insults and had learned that Overbury ruled over his favourite and Somerset likewise ruled over his Majesty, the contrivance of Overbury's removal begins by bringing on his refusal, which was definite, to some Ambassadorship position in Russia. You might as well have told Overbury he was to go to the moon.

"His Majesty first sends Archbishop Abbott to lay before Overbury some Ambassadorship position overseas. This was not unusual; Overbury was a spy and his intelligence and acquaintances much more would have been a quality for such a position. This Ambassadorship proposed to Overbury, was also intended to establish an English protectorate over beleaguered North Russia. It was a perfect excusable position to offer Overbury, since he had been involved in planning English intervention in Russia, partly as a means to check the spread of Catholicism in Eastern Europe." ²¹¹

It is unknown how Overbury reacted to the Archbishop Abbott; we do not even have the exact date this conference took place. Later, Overbury writes from the Tower on this event, and will go into it then a little further.

Not long after, the King sends Thomas Howard, who was now Lord Chancellor, together with the despised amateur Alchemist, the Earl of Pembroke, to formally offer the Ambassadorship proposal to Overbury and tell him he was to set sail for Russia the sooner the better. How possible was it for Overbury to have either accepted this Office can be surmised from the following events; and his response to the Ambassadorship employment is logical to have been refused.

²¹⁰ John Nichols, *Progresses*, Vol. III: Correspondence of Chamberlain to Carleton.

²¹¹ James Spedding, *Life and Times*, (London: Trubner & Company, 1878).

Overbury had only just returned in 1611 from at least two years travel to “observe” or spy on Europe’s Princes and Kings. In addition, “in the brawn of the left arm he had an issue [wound] kept open with a little bullet of gold,” ²¹² to keep the wound sterilized.

Overbury had long been “jarring” with Pembroke and absolutely held Thomas Howard to no authority.

Overbury was an eminent person in the eyes of the Council and the King for undertaking Somerset’s responsibilities and helping out with stopping Arabella escaping.

Overbury had only just burglarized and seized secret documents which proved (or hinted) Somerset’s guilt in the Powder Poison Plot on the Prince’s death.

Now, if Overbury’s refusal was expected, we can say for sure that Overbury mentions it was, at least by the King, in one of his letters written towards the end of May 1613 to Somerset from the Tower which will be given in full under that date: “...for he [the King] knew, afore [before] they [Pembroke and Howard] came, I would not go such a journey.” ²¹³

In order for Overbury to write this, he must have either hinted or directly gave his negative decision to Archbishop Abbott of his intentions to this overseas employment. We are quite certain, from evidence given, that the above is what happened; but notice how Bacon will misguide the public by directly accusing Somerset for being the “principal practiser” in having Overbury deny the appointment of Ambassadorship to Russia. And to strengthen his point, he had a diplomatist, Sir Dudley Digges ^{214,215} sworn in to testify:

“Sir T. Overbury once told me that he went to undertake the employment offered him to go beyond sea; but afterwards he sent me word by Sir R. Mansel [Vice Admiral of England] that he had changed his mind. But Sir R. Mansel told me farther, that he saw a letter from the Lord of Somerset to Overbury that dissuaded him from that course. Seeing

²¹² State Paper Office; Domestic Papers, 1615, No. 159: The Examination of Robert Bright (Coroner of the County of Middlesex) October 1, 1615.

²¹³ Harl. MS., 7002, fol. 281.

²¹⁴ (1583-1639). Diplomatist, of Chilham, co. Kent, his estate valued at £800.

²¹⁵ State Trials ed. T.B. Howell, Vol. II., pp. 916-919: “Early in 1618, Digges was involved, according to Sir Francis Michell, in the Howards’s unsuccessful attempt to oust George Villiers from the King’s favour and replace him with William Monson: ‘His grace of Canterbury can best tell who moved him that young Monson should receive the communion at his chapel.’ Digges was then sent on his travels, in the post of Ambassador to Moscow.”

Mr. Attorney [Bacon] has called me so far out of the country for this small testimony, I wish Sir R. Mansel were here to justify it.”²¹⁶

Digges’s testimony confuses the flow of events; but this is what the government wanted his testimony to do, because the King first sends the Archbishop Abbott to propose the position to Overbury; according to Digges, he did accept it; but if this is correct, then why does the King send two more messengers (Thomas Howard and Pembroke) to propose the same employment to Overbury?

It makes no sense. If Overbury initially accepted the position as Digges says, then there would be no reason for the King to send two more messengers to persuade Overbury to accept. It is obvious what Digges was testifying to was not true.

Overbury denied the employment the very first time he was proposed it by the Archbishop Abbott who informed the King; and this information comes from Overbury’s letters. So the King sends two more messengers to persuade Overbury, which also was pointless. If the King had an interest to send Overbury abroad at this point, he would have sent for Overbury to discuss the matter in private consultation, or, by sending Somerset.

The scene described in the following examination must have occurred during this time. It was after Somerset had detected what documents were stolen from his chambers in Whitehall, and logically confronted Overbury. We believe this is when the following confrontation happened. The examination was read at Somerset’s trial by Coke.

Examination of Payton

*(Read at Somerset’s trial on May 25, 1615)*²¹⁷

He [Payton] saw a letter of his master’s, whose hand he knew to [be] my Lord of Somerset, wherein were these words, “If I die, my blood lie upon you.” And in that or another letter there was this clause, “My Lord, you are now as good as your word, you have kept your vow to me.” Moreover, that in the privy gallery at Whitehall, my Lord of Somerset coming late to his chamber, met there Sir T. Overbury.

“How now?” said my Lord; “Are you up yet?”

²¹⁶ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I’s Reign.

²¹⁷ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I’s Reign.

“Nay,” answered Sir T. Overbury, “what do you here at this time of night? Will you never leave the company of that base woman? And seeing you do so neglect my advice, I desire that tomorrow morning we may part; and that you will let me have that portion you know is due to me; and then I will leave you free to yourself, to stand on your own legs.”

My Lord of Somerset answered, his legs were strong enough to bear himself, and so departed in great displeasure.

And to his [Payton’s] certain knowledge they were never perfectly reconciled again. And being asked how he heard this discourse, he said, it was in the dead of the night, and he, being in a room within the gallery, heard all that passed.

Payton (examinee) is called for reexamination

I acknowledge every part of this examination to be true and more; that my master being in the Tower, he sent a letter by Weston to me to carry to my Lord [Somerset]; and withal to deliver my Lord this message: ‘That the powder [emetic] he had sent him had made him very sick, and given him in one night sixty stools, besides vomits.’ This letter I carried to the Court, and delivered to Mr. Rawlins ²¹⁸ to carry in to my Lord [Somerset], who was then in his chamber. My Lord [Somerset] presently came out, asked me how my master did; I told him very sick, and withal this message how physic ²¹⁹ had wrought with him. My Lord smiled and cried, ‘Pish.’ ²²⁰

Somerset’s response to Payton’s above reexamination

And for that which Payton alleges about the powder which I sent, and made Sir T. Overbury so sick, that powder I sent was one of them which I received from Sir R. Killigrew.

It is evident what had happened.

Somerset requests Overbury’s restriction from Court. The King asks why. Somerset answers he can forward a witness (Thomas Howard who was *Libels*) to tell the King that Overbury gossips to Courtiers he governs Somerset and Somerset governs the King. This was taken as a personal insult. There is one thing which the powerful must do, and that is

²¹⁸ Giles Rawlins was Somerset’s servant.

²¹⁹ Physic: A remedy for a disease.

²²⁰ Pish: An interjection expressing contempt or even disgust.

show that they are powerful; it is their weakness. So, the King decides to practically banish Overbury from Court, and sends the Archbishop Abbott to propose an Ambassadorship to Russia. Overbury denies the position; the Archbishop Abbott informs the King, who then sends two of the most despicable individuals (in Overbury's eyes) to persuade.

If the King ordered Howard and Pembroke to be more firm than usual, and if something is said whilst dealing with Overbury, then so be it. That Overbury went into a quarrel and harsh words were spoken with at least Thomas Howard is evident from Overbury's letter when he tries to reconcile with this man: "...if all the service I can perform may win your Lordship's good opinion and trust, and make me to be received as one of yours, much honour and direction have I ever seen in your Lordship both toward friend and enemy as I shall think it happily employed, and with as much zeal I shall perform it as any creature of your Lordship's living." ²²¹

The only result, which the King knew would come out of this Ambassadorship proposal, would be Overbury's refusal. Benham (historian) puts an additional element to the event, and hints that it was Henry Howard who pressed the King to have Overbury imprisoned after his refusal "on a charge of having spoken disrespectfully of the Queen; and Somerset regarded this imprisonment as a temporary expedient only." ²²² The latter part of Benham's comment is true, since Somerset did testify he only agreed to the imprisonment to "reform" Overbury, which also gave Somerset time to get back and secure whatever documents Overbury stole from his chambers.

That Overbury spoke "disrespectfully of the Queen" at this employment interview with Howard and Pembroke, had but a slight effect to the consequence, because Overbury was arrested on April 21, 1613, but was not sent directly to the Tower as close prisoner until nine days later, April 30, 1613.

We will explain this further down and give the circumstances of Overbury's arrest that comes from the following correspondence written by Sir Henry Wotton to Edmund Bacon.

²²¹ Harl. MS., 7002, fol. 281.

²²² William Benham, *The Tower of London*, (London: Seeley & Co., Ltd., 1906).

Sir Henry Wotton to Sir Edmund Bacon**(April 22, 1613)** ²²³

Yesterday, [April 21st,] about six o'clock at evening, Sir Thomas Overbury was from the Council Chamber conveyed by a Clerk of the Council and two of the guard to the Tower, and there, by warrant, consigned to the Lieutenant [Sir William Waad] as close prisoner, which, both by the suddenness, like a stroke of thunder, and more by the quality and relation of the person, breeding in the beholders (whereof by chance I was one) very much amazement, and being likely in some proportion to breed the like in the hearers, I will adventure, for the satisfying of your thoughts about it, to set down the forerunning and leading causes of this accident, [happence,] as far as in so short a time I have been able to wade in so deep a water.

It is conceived that the King had a good while been much distasted with the said gentleman, [Overbury,] even in his own nature, for too stiff a carriage of his fortune; besides that scandalous offence of the Queen at Greenwich, which was never but a palliated cure. ²²⁴

Upon which considerations his Majesty resolving to sever him from Somerset, and to do it not disgracefully nor violently, but in some honourable fashion, commanded not long since the Archbishop [Abbott] by way of familiar discourse to propound unto him the Embassage of France or of the Archduke's Court [in Russia,] whereof the one was shortly to be changed, and the other at the present vacant. In which proposition it seems, though shadowed under the Archbishop's good will, that the King was also contented some little light should be given him of his Majesty's inclination unto it, grounded upon his merit.

At this the fish did not bite; whereupon the King took a rounder way, commanding my Lord Chancellor [Thomas Howard] and the Earl of Pembroke to propound jointly the same unto him, which the Archbishop had before named, as immediately from the King; and to sanction it the more, he had, as I hear, an offer made him of assurance, before his going, of the place of Treasurer of the Chamber, which he expects after the death of the Lord Stanhope, whom be-like the King would have drawn to some reasonable composition.

Notwithstanding all these motives and impulses, Overbury refused to be sent abroad, with such terms as were by the Council interpreted pregnant of contempt in a case where the King had opened his will; which refusal of his I should for my part esteem an eternal

²²³ Amos, *Great Oyer of Poisoning* (London: Richard Bentley, 1846).

²²⁴ Wotton was referring to the time when Overbury laughed under Queen Anne's window.

disgrace to our occupation, if withal I did not consider how hard it is to pull one from the bosom of a favourite. Thus you see the point upon which one [Overbury] had been committed, standing in the second degree of power in the Court, and conceiving (as he told me but two hours before) never better than at that present of his own fortunes and ends.

Now in this whole matter there is one main and principal doubt, which does trouble all understandings; that is, whether come this [proposal] was done without the participation of my Lord Somerset; a point necessarily involving two different consequences. For if it were done without his knowledge, we must expect of himself either a decadence or a ruin; if not, we must then expect a reparation by some other great public satisfaction whereof the world may take as much notice. These clouds a few days will clear. In the meanwhile, I dare pronounce of Overbury, that he shall return no more to this stage, unless Courts be governed every year by a new philosophy, for our old principles will not bear it.

Remember reader who Overbury was and what secrets he held in his hands at the time of the Ambassadorship proposal to go overseas: He was the same individual, now “standing in the second degree of power in the Court,” who first gave the “damnable and fatal advice” to rid themselves of their mortal enemy, the apparent heir to the English throne, Prince Henry; he also held documents he snatched from Somerset’s chambers, which could blow up the entire Royal Court to smithereens.

In all probability, Overbury did not act like an imbecile as we are told by contemporary writers; and it is doubtful he was heard of talking nasty of the King when refusing the Ambassadorship appointment.

In addition, notice from the already given extracts of correspondence on this employment business, how all was acted out very sudden; even to the Courtiers. The entire Ambassadorship story was so sudden, that not even Overbury was talking of it, just “two hours” before his arrest when conversing with Wotton.

More importantly, Overbury had also been offered “assurance, before his going, of the place of Treasurer of the Chamber, which he expects after the death of the Lord Stanhope.” So how idiotic could Overbury have been in allegedly “refusing” the Ambassadorship the way contemporary writers tell us, is left to anyone’s opinion.

We should not forget that the Ambassadorship proposal was a scheme coming from Somerset (forced upon the King) to control Overbury's handling of the secrets he stole from Somerset's chambers.

Somerset had said at his trial: "And though it be true that I consented to his imprisonment, to the end he should make no impediment in my marriage; yet I had a care of his lodgings, that they should be where he might have the best air, and windows both to the water and within the Tower, so that he might have liberty to speak with whom he would. So you see it was against my intention to have him close prisoner." ²²⁵

And what Somerset stated was partially true; it was the King who ordered Overbury to be kept a close prisoner as shown in the extract of the King's letter which follows; however, Somerset kept secret that the real motive behind the imprisonment was not because Overbury "should make no impediment" in Somerset's marriage, but because of the stolen documents and powerful secrets he held.

The King to George More (Lieutenant of the Tower), December 29, 1615.

"If therefore I should have stripped the course of justice against him [Somerset] in this case of Overbury, who was committed to the Tower, and there kept a close prisoner by my commandment, and could not have been so murdered if he had not been kept close, I might have been thought to be the author of that murder, and so be made odious to all posterity." ²²⁶

On April 29, 1613, eight days after Overbury is arrested, "there happened an accident of late that has altered the case; [the divorce between the Countess and Essex;] the Countess sought out and had many conferences with a wise woman [Mary Woods?] who, according to the course of such creatures, drew much money from her and at last cozened [tricked] her of a jewel of great value, for which being prosecuted and clapped in prison, she accuses the Countess of diverse strange questions and propositions, and in conclusion that she dealt with her to make away her Lord [Essex] (as aiming at another mark [Overbury]) upon which

²²⁵ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

²²⁶ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846): The King to George More (Lieutenant of the Tower), December 29, 1615.

scandal and slander the Lord Chamberlain Suffolk [Thomas Howard] and other her friends think it not fit to proceed in the divorce.”

And on the same day Chamberlain writes to Carleton: “The King, desiring to falsify the report [from Thomas Howard who was *Libels*] that Somerset ruled him and Overbury ruled Somerset, and he [Somerset] determined to remove Overbury, some foreign Embassy was pressed upon Overbury, which he positively declined, saying the King could not in law or justice compel him to leave his country; for which contempt he was sent to the Tower. The King declares this is no slight on Somerset, in whose conversation he delights more than in any man’s living.”

It is singular the King went out of his way to report to his Courtiers that it was he who gave the authority for Overbury’s imprisonment; but it must have been said to protect Somerset from verbal attacks.

Now to the meat and potatoes.

We have not come across any other dates that differ with when Overbury was arrested and immediately imprisoned in the Tower, except from Sir Gervase Elwaies (Lieutenant of the Tower) who first testified that Overbury was committed to the Tower on April 30, 1613, and not directly after his arrest on April 21st. If what Elwaies testified was true, then we need to ask two questions: First, why was Elwaies not questioned at his trial on giving a different date of Overbury’s imprisonment? If he was, it is nowhere recorded.

And second, where was Overbury being kept from April 21st when he was arrested in the Council Chambers, till April 30th when he entered the Tower as Elwaies testified? This is a gap of eight days on Overbury’s unknown whereabouts; a powerful man who holds so many potent secrets, making him a dangerous individual to be on the loose.

In order the events flow, we need to continue with them and will soon return to the eight day gap and the above two versions. Overbury’s father, after his son was committed, “heard that he was very sick,” and here is what Mr. Overbury stated at Somerset’s trial: “I went to the Court and delivered a petition to the King; the effect whereof was, that in respect of my son’s sickness some physicians might have access unto him. The King answered that his own physician should go to him; and then instantly sent him word by Sir W. Button that his physician should presently go. Upon this I only addressed myself to my Lord of Somerset, and none else, who said my son should be presently delivered, but dissuaded me from preferring anymore petitions to the King; which notwithstanding I (seeing his freedom still

delayed) did deliver a petition to the King to that purpose, who said I should have a present answer. And my Lord of Somerset told me he should be suddenly relieved; but with this, that neither I nor my wife must press to see him, because that might protract his delivery; nor deliver any more petitions to the King, because that might stir his enemies up against him. And then he wrote a letter to my wife, to dissuade her from any longer stay in London.” ²²⁷

Somerset’s letter to Overbury’s mother noted: “Your stay here in town can nothing avail your son’s delivery; therefore I would advise you to retire into the country, and doubt not before your coming home you shall hear he is a freeman.” ²²⁸

Sir Thomas Overbury arrives at the Tower (April 30, 1613).

Picture ©Clive Upton



We may now add the first letters Overbury sends from the Tower, found in the Harleian and Sloane manuscripts. Many of these letters are undated, but sufficient to be added under certain events as we come to them.

In Overbury’s first letter, he mentions “if I stay here two days longer;” so the letters must have been written no later than May 2nd, a day or two after his imprisonment. A note must be added before giving our readers the letters. Coke presented a letter at Somerset’s trial and mentioned it was Overbury’s first letter; what was peculiar was the date he said it was written,

being June 1613. If anything, Coke’s date to the letter is more peculiar than Elwaies’s confessional date of when Overbury entered the Tower. Coke was asked at the trial how he knew the letter belonged to Overbury; he should have been asked how he knew it was

²²⁷ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I’s Reign.

²²⁸ Ibid.,

Overbury's first letter. This was Coke's response: "They were found in a cabinet, among some other things, left in trust by my Lord of Somerset with Sir Robert Cotton, and thus they were discovered."²²⁹

Sir Thomas Overbury to the Earl of Somerset

(June 1613) *according to Coke - 1st letter*

Is this the fruit of my care and love to you? Be these the fruits of common secrets, common dangers? As a man you cannot suffer me to lie in this misery; yet your behaviour betrays you. All I entreat of you is that you will free me from this place, and that we may part friends. Drive me not to extremities, lest I should say something that you and I both repent. And I pray God that you may not repent the omission of this my counsel in this place, whence I now write this letter.

Sir Thomas Overbury to the Earl of Somerset

(May 2, 1613)²³⁰ *(first letter)*

I seal this with my own seal, mark it well. I pray you seal with the stag's head hereafter, and send me my little seal again. By no means hear of my going out at all beyond sea, though for an hour, but to [New]bury, not by command, but stolen thither [the Tower?] by discretion.

[From what Overbury writes in his passage above, corroborates part of Elwaies's testimony. Overbury will steal from where he is to go for an hour to "[New]bury;" he could only do this if he had the leisure of where he was, which could not have been a strict confinement in the Tower. And perhaps Elwaies noticed this, and hence he said he saw Overbury brought to the Tower on April 30th as opposed to April 21st, believing that it was then Overbury was first imprisoned.]

²²⁹ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

²³⁰ Harl. MS., 7002, fol. 281.

Send me that vomit [emetic] enclosed, if I stay here two days longer. Let this fellow [Killigrew?] be warned to be wat[chful], and get to serve somebody within [this] place, though but for a fortnight.

[Overbury predicts he will be released in a “fortnight,” because that was the maximum time a person was imprisoned for contempt as he was charged with.]

For that letter under my own hand concerning you, [Coke’s presentation of Overbury’s first letter?] put all upon that. Still stand upon that. Best urge nothing till that be done; for this must be done only by way of prayer and kindness. After, justify when I am gone. Though you have a grant, [for Overbury’s release,] yet accept no delay for disputes. If this [letter] come[s] safe, write me word.

To anyone who reads Overbury’s letter above, it is clear that Somerset and Overbury are in cahoots of this imprisonment and have already devised a plan how Overbury is to be released. It is very important our readers know what exactly happened, prior to Overbury’s entry to the Tower.

After Overbury’s arrest on April 21st, we believe he was taken to some private chambers and was confronted by Somerset to give back any documents he had stolen. This was imperative. If Overbury stated he had spread the documents (even sent some abroad to France or Brussels) and could not get them back so quickly, is possible, which would buy him some time.

We believe that the person who was given some documents will later be found in France and assassinated; this person was William Reeve. But more on this later.

So, upon giving back some documents, Somerset advises Overbury for the time being to comply with the imprisonment, not to incense the King further, and Somerset would have him released no later than a fortnight and they could get back the remaining documents stolen from his chambers. Overbury’s above letter not only certifies this, but his other letters fortify it, which we will offer our readers upon the dates when they were written.

During the month of May 1613, unknown what exact day, the King received a warning from which he ought to have learned something of the true character of the men whom he

surrounded himself with. What happened was that Sir John Digby (Earl of Bristol) was English Ambassador in Spain at the time; he discovered “that, with very little money, it was possible to obtain access to the most cherished secrets of the pensions of the Spanish government;”²³¹

Digby requested the King’s permission to apply himself in the matter and the King agreed. Yet access to the “most cherished secrets of the pensions of the Spanish government,” which Digby boasted of, could not have been an apocalypse to the English Royal Court; at least it was not to Overbury nor to Somerset who were both in the habit of opening all Ambassadors’ dispatches, including the King’s, and copying contents to fill up their trunk of secrets and coffers by blackmail.

“The Duke of Anera discoursing with one of great privacy and trust with him, after he had heard that the peace [with Spain] was in such form concluded, said in plain terms that the King and Councilors of England had not their senses when in such sort they agreed upon it. And some Spaniards have lately reported that the King of Spain’s money purchased this quiet; otherwise peace with so good conditions could never have been obtained.”

Sir Charles Cornwallis²³²

“No sooner was the Spanish Ambassador arrived in London, than he multiplied the number of his creatures, by his extraordinary liberalities to all those whom he considered as necessary to be gained.”

Duke of Sully²³³

“We say the Spanish Ambassadors have taken up many jewels here (we suppose to bestow upon our grantees; so not to leave any advantage to the French, who began that angling fashion [private pensions] unto them) with the King’s privity and all mens’ wonder.”

Sir Henry Neville²³⁴

²³¹ Samuel R. Gardiner, *History of England*, Vol. II., (London: Longmans, Green & Co., 1883).

²³² Sir Charles Cornwallis to Sir Robert Cecil, June 2, 1605.

²³³ *The Memoirs of the Duke of Sully*, Vol. III. (1817).

Was King James well aware of Spanish gold filling English coffers with his “privity and all mens’ wonder” since 1604?

Bacon noted how this friendship between Overbury and Somerset “rested not only in conversation and business at Court, but likewise in communication of secrets of State; for my Lord of Somerset, exercising at that time by his Majesty’s special favour and trust the Office of Secretary, did not forbear to acquaint Overbury with the King’s packets and dispatches from all parts of Spain, France, and the Low Countries; and this then not by glimpses, or now and then rounding in the ear for a favour, but in a settled manner. Packets were sent, sometimes opened by my Lord [Somerset] sometimes unbroken unto Overbury, who perused them, copied them, registered them, made table-talk of them, as they thought good.” ²³⁵

What was more shocking, which was not even touched upon at the time, was Somerset’s answer to Bacon’s above accusation: “For the great trust and communication of secrets between Overbury and me, and for the extracts that he took of Ambassadors’ letters, I confess this; I knew his ability, and what I did was by the King’s commission.” ²³⁶

Somerset puts direct blame on the King who assigned him, and he in turn assigned Overbury, to secretly extract “communication of secrets,” and context from Ambassadors’ letters. This accusation towards the King was not pressed upon by Coke or Bacon, or any other Judge present; it was allowed to slip under Jacobean floorboards. We will return to this interesting subject and give Digby’s two letters on the matter when we reach the dates they were written.

Bacon tells us that a man called Cary, who was “under-keeper” in the Tower, was replaced on May 8, 1613, and replaced by Richard Weston. ²³⁷ Five days later, on May 13th, the Lieutenant of the Tower (Sir William Waad) is also replaced by Sir Gervase Elwaies. Why Waad was discharged and replaced will be difficult to establish with certainty, because five versions were given.

The first was when Somerset, at his trial, stated: “Whereas the shifting of offices is urged against me, to make the more easy way for Elwaies’s entrance, it is well known the reason of

²³⁴ Sir Henry Neville to Secretary Winwood, August 19, 1604.

²³⁵ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I’s Reign.

²³⁶ Ibid.,

²³⁷ J.O. Halliwell-Phillips, *Autobiography & Correspondences of Sir Simonds D’Ewes*, Vol. I., (London: Bentley, 1845).

Waad's displacing was in respect of his carelessness, in suffering the Lady Arabella to have a key, by which she might have conveyed herself out of prison." ²³⁸

The other version was when Killigrew, who had just emerged from the Fleet prison, paid a visit to Raleigh in the Tower. On leaving, Killigrew was hailed from a window and stood for some minutes in private conversation with Overbury. ²³⁹ This looseness, for Killigrew to converse with Overbury from a window, was blamed on Waad and so discharged.

Another version was that Waad had "embezzled jewels from the Lady Arabella and Elwaies of Lincolnshire succeeds him." ²⁴⁰ Upon this version is a tale. "Henry Howard sent for Waad to his mansion at Charing Cross. The Earl accused Waad of being too lenient with his new prisoner, [Overbury,] and told him bluntly that he should not go back to his post. Waad was surprised; but on Henry Howard hinting that much of Lady Arabella's plate was missing, and that the Lieutenant was supposed to know what had become of it, he was so much frightened that he gave up his commission on the spot. He left Northampton House with £1,400 in his pocket and promised £600 more, if he would only hold his tongue." ²⁴¹

The next version was coming from "Thomas Cranwell, tenant to Sir William Worthington, Gentleman Porter of the Tower of London, of a tenement adjoining the bulwark wall of the Tower, complains that Waad, after granting him licence, has stopped his rebuilding of the tenement, and commanded him and his workmen to be imprisoned. Prays the Council to hear the cause." ²⁴²

And a final version came from correspondence, noting how Waad's daughter was imprisoned "and others examined relative to offences there." ²⁴³ What these "offences" were is unknown.

Gardiner says Waad was replaced because he enforced a too strict imprisonment on Overbury, which was not the intention of Somerset: "If Overbury should be released without feeling a sense of obligation to Somerset, the first thing he would do upon leaving the Tower would be to disclose the secrets which Somerset was anxious to keep from the public ear.

²³⁸ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign..

²³⁹ State Papers, James I., Dom.

²⁴⁰ Ibid.,

²⁴¹ William Hepworth Dixon, *Her Majesty's Tower*, Vol. II., (London: Hurst & Blackett, 1870).

²⁴² Calendar of the Cecil Papers in Hatfield House, Volume 22, p. 1098: 1612-1668.

²⁴³ State Papers, James I., Dom: Correspondence of Sir Thomas Lake to Carleton, May 19, 1613.

Waad must therefore be removed.”²⁴⁴ Gardiner is always so close to the truth, that it is almost melancholic to read he did not actually grasp it.

Overbury's strict confinement, if remembered, had been instructed by the King. This is seen in his letter written in 1615 and addressed to the new Lieutenant of the Tower (George More) who reported threats from Somerset before his trial. An extract was given and the full letter will be given on the date it was written.

Prior Waad's²⁴⁵ appointment in the Tower, he had held several very important diplomatic and political posts; this allowed him to faithfully serve William Cecil (Lord Burghley). Under Queen Elizabeth, Waad had been secretary to Sir Francis Walsingham, and afterwards clerk of the Privy Council. He had been sent on frequent diplomatic missions to Madrid, Paris, and the Low Countries. In 1588, Waad was elected a Member of Parliament, and in 1601 represented Preston, where his protestant zeal made him very unpopular among the Roman Catholics of Lancashire. Soon after the accession of King James, a knighthood was bestowed to Waad, and in August 1605, he was at Cecil's request, appointed Lieutenant of the Tower.

Waad certainly seems to have enjoyed a unique career. He had in fact been connected with the detection, or attempted detection, of almost every conspiracy hatched in England during the eventful twenty years antecedent to the Gunpowder Plot of 1605. He had ransacked the belongings of the Scottish Queen Mary at the time of Babington's conspiracy; he had taken a prominent part in the discovery of the mysterious Lopez affair under Elizabeth; he had helped to suppress the Essex rebellion in 1601; he had been employed in the matter of the proceedings of Cobham and Raleigh, as regards their connection with Watson's conspiracy.

Waad was, therefore, likely to prove, in the eyes of any government, an ideal Lieutenant of the Tower.

By May 16, 1613, a Commission was assigned to attend to the annulment of Frances Howard. The Commission comprised of Archbishop Abbott, Bishops King, Andrewes and Neile, Sir Thomas Parry, and Sir Julius Cæsar, together with the civilians, Sir Daniel Dun, Sir

²⁴⁴ James Gardiner, *Studies in English History*, Vol. XVIII (1881).

²⁴⁵ (d.1623)

John Bennet, and Doctors James and Edwards.²⁴⁶ The following day, without delay, certain “articles propounded by Lady Frances Howard as the grounds of her suing a divorce from the Earl of Essex,” were presented to the Court of Delegates.²⁴⁷

There were a few individuals who when hearing of Mary Woods’s examinations, halted any attempts to help Frances Howard her demeanour to procure a divorce from her husband. These individuals were her father (Thomas Howard) including some honest friends. Nonetheless, the Howards were not insensible to the advantages which would accrue to them from a close alliance with Somerset. They had no doubt that a marriage with him would follow immediately upon the divorce. To the Howards, at that moment, such an alliance would be most welcome; they had found, by experience that Somerset’s opposition was fatal to their endeavours to influence the policy or to share in the patronage of the government.²⁴⁸

If the Howards had much profit from this marriage, then so had Somerset, and the give and take must have been delicious.

It was now time to discredit whatever Mary Woods was accusing Frances Howard with, which was imperative. The Mary Woods case had to vanish in order Frances Howard’s father and honest friends were not against the annulment. So in the next examination of the Mary Woods case, the same day as the Commission was assigned, the following examinations flew from the Courts of Law.

Examination of Richard Grimstone (Pursuivant)²⁴⁹

“Was sent by the Countess of Essex [Frances Howard] after Mary Woods, to whom she had delivered a ring set with a diamond and some money, to take charge of when she was going in haste to Court. Davison of Norwich says that Mary Woods professed skill in palmistry, deluding simple women, threatening if they prosecuted her, to accuse them of trying to poison their husbands.”

²⁴⁶ Bishops Bilson, Andrewes, Neile, and Buckeridge, with Sir Julius Cæsar, Sir Thomas Parry, and Sir Daniel Dun, were in the majority to favour the divorce. The minority who objected against a divorce, was composed of the Archbishop Abbott and Bishop King, with Doctors Edwards, James, and Bennet.

²⁴⁷ State Papers, James I., Dom.

²⁴⁸ Samuel R. Gardiner, *History of England*, Vol. II., (London: Longmans, Green & Co., 1883).

²⁴⁹ State Papers, James I., Dom.

Re-examination of Richard Grimstone ²⁵⁰

“He did not persuade Mary Woods to call herself a laundress, but if she would have returned him the goods which Lady Essex [Frances Howard] sent him to reclaim, he would have let her alone, though he knew of the Lord Chief Justice’s [Sir Edward Coke’s] warrant against her.”

Notice in the latter examination above that Coke had knowledge of this case as we mentioned earlier. The final examination of the day was as follows: “Examination of a relation of [Richard Grimstone], Pursuivant, of his apprehension of Mary Woods. She refused to give up the goods, and when told she must go before the justice, said she would declare that she had them given to induce her to poison the Earl of Essex.”

Gardiner had said he believed it was “difficult to avoid the conclusion, that Overbury had heard something which would enable him to put a stop to the divorce if he pleased. Somerset was not the man to keep a secret, and if he had only told Overbury, in a moment of confidential intercourse, one half of the stories which he must himself have heard from Lady Essex, of the way in which she had treated her husband, he must have known that he had entrusted him with a secret which, if he should determine to reveal it, would make it impossible for the most subservient judges to pronounce in favour of the divorce.” ²⁵¹

Gardiner’s point is logical to some extent on how Overbury had in his hands some secret which, “if he should determine to reveal it,” would bring a halt to the annulment; even the Mary Woods case was a danger. And to further strengthen this point, Bacon at Somerset’s trial recorded it could not be this marriage, between Somerset and the Howard woman, “that made Overbury so much feared, but what the secrets were, that caused it.” ²⁵²

We do not think Gardiner connected the Mary Woods case, nor the burglary of Somerset’s chambers with the Overbury case; it is unknown if Bacon or Coke had; but if they had, they would have noticed the connection, and of this we are certain.

On Frances Howard’s side, she needed three stipulates to submit for her annulment. Firstly, she had to persuade a Court of Law who would believe her declaration that her husband was incapacitated by a physical defect from entering into marriage. The

²⁵⁰ State Papers, James I., Dom.

²⁵¹ Samuel R. Gardiner, *History of England*, Vol. II., (London: Longmans, Green & Co., 1883).

²⁵² Cobbett’s *State Trials*.

Commission who was assigned to the case heard her following testimony: “Since the Earl [of Essex] was 18-years-old, for three years, he and she had divers times laid naked in bed and sundry times there the Earl had attempted, and endeavoured to consummate marriage with her, and she accordingly yielded, and willing thereto, and yet he never had copulation with her.” ²⁵³

Seven “noble women” testified in Frances Howard’s favour, being her mother Catherine (Countess of Suffolk); Frances (Countess of Kildare); Elizabeth (Lady Walden); Elizabeth (Lady Knevet); Lady Katherine Thinn; Mistress Katherine Fines; and, Mistress Dorothy Neil.

Secondly, the Howard woman had to prove “whether she was a woman, apt and fit for carnal copulation, without any defect that might disable her to that purpose.” The Commission gave their summing up “that they believed the said lady, fitted with abilities to have carnal copulation, and apt to have children.” How they surmised this is beyond speculation.

Finally, Frances Howard had to prove “whether she were a virgin unknown carnally by any man.” The Commission gave their summing “that she is a virgin uncorrupted.” To how this was achieved has been told by Sir Anthony Welldon, which has been corroborated by many including, Chamberlain: “A Miss Monson, daughter of Sir Thomas Monson, was substituted for the Countess, and that, with her face thickly veiled, she eluded the detection of her identity, as she braved the searching investigation of her chastity.” Wilson, the intimate friend of the Earl of Essex, confirms this story by saying how “another young gentlewoman was robbed in place of the Countess;” Welldon writes that a “Mrs. Fines” was employed to replace the Countess. Regardless who it was, it does not erase the cunningness.

And so passed the Commissioners’ examination and they found Frances Howard “a virgin uncorrupted.” ²⁵⁴

A letter from Henry Howard to Somerset is written; there is no date, but hints that the letter was written about this time: “Now, all is concluded about the form of the non-altity; ²⁵⁵ I doubt not but God will bless the next bargain. I hope hereafter to find better pen and ink in this Lady’s chamber. Be still happy. *I am witness to this bargain, Fra[nces] Howard.*” The letter openly refers to the satisfaction of the Howards on Frances Howard’s annulment of

²⁵³ Godfrey Goodman, *Aulicus Coquinariæ*, 1650.

²⁵⁴ Ibid.,

²⁵⁵ Annulment of Frances Howard’s marriage.

marriage. As to the “bargain,” it could mean either the marriage between Somerset and Frances Howard, or Overbury’s imprisonment.

Bacon was striving to prove with this letter, that Overbury had to be removed, because he was now on the verge of betraying secrets “to matters of State and the great causes of this kingdom.” Bacon was correct; Overbury had stashed away secret documents he stole from Somerset’s chambers and had secrets of “great causes.”

Hutchinson the historian tells us there was a rumour circulating before Overbury’s imprisonment how “Henry Howard and Somerset had combined with the Spaniards for a sum of money to deliver them up the English navy; that the King and the heads of the Protestant party should have been poisoned at the christening of Howard’s child.” ²⁵⁶

We must point out and remind our readers what the Venetian Ambassador Nicolo Molin was writing about the English navy back in June 1608: “If England remains long at peace, and does not make up her mind to keep up a larger navy, and to stop the sale of ships and guns, which is already going on, she will soon be reduced to a worse condition.” And though Prince Henry, before he died, had greatly upgraded the English fleet, would it have been enough to reason what Hutchinson stated and how likely the Spaniards would have bought such a fleet that existed of the English navy?

Nothing is impossible.

Yet, we believe this which Hutchinson was referring to was connected to a “*Præmunire*” which Somerset, in 1615, requested to be pardoned by the King for embezzling the crown jewels. The event will be given under the date it happened.

Arriving to May 19, 1613, Killigrew is “committed for holding intercourse with Overbury in prison;” ²⁵⁷ what their discussion was has never been known. Overbury’s brother-in-law wrote to him in regards to Killigrew’s visit, stating amongst other things that “it would not do to acquaint Killigrew with the business,” since he “will be kept in prison on pretence of the King’s wrath;” and that he was tricked “on all hands.”

Perhaps Lidcott believed quite strongly that whoever talked about Overbury’s imprisonment at this point would not be looked on in favour, since many were against him; so involving Killigrew to talk on his behalf, was not a good idea. Lidcott then goes on to inform Overbury of “his servant, Lawrence [Davies], must be had out of the way;” he advises

²⁵⁶ Hutchinson, *Memoirs of Colonel Hutchinson*, (London: Bohn’s edition, 1854).

²⁵⁷ State Papers, James I., Dom.

Overbury “to send Davies an angry message, on which he may say he cannot endure the trouble he is at, and may take his dismissal, when he shall be sent away safely, under an assumed name.” It is unknown why Lidcott wished this, but closes his letter by telling Overbury that Somerset “is to be cozened, [tricked,] for no honest quarter can be held with him.” Perhaps Overbury would have lived through this ordeal if he had taken Lidcott’s advice and pulled him into his confidence.

There were two versions given on how Gervase Elwaies was placed at the Tower as Lieutenant, which was less than the versions given for discharging Waad.

One version was that it was accomplished “by the favour of the Lord Chamberlain [Somerset] and his Lady.”²⁵⁸ This version however has no evidence to support it.

The second version was that it was accomplished with Sir Thomas Monson’s handling who was acquainted with Elwaies and the office was offered to Elwaies for the sum of £2,000. However, Monson could only have influenced the office position. The individual who appointed Elwaies directly to the Tower was the King himself.

We support this by giving evidence which can be found in Elwaies’s declaration to the King, written on September 2, 1615. The King no doubt approached Elwaies senior (Alderman and Sheriff of London) and offered to appoint his son as Lieutenant: “I humbly beseech your Majesty to believe I fear the face of no man in respect of doing what your Majesty commands me, but there is an honour in every poor gentleman, and in obeying your Majesty I must commit mine into your gracious protection. When it pleased your Majesty to make me your own choice for this place, I found Overbury a prisoner here.”²⁵⁹

Establishing the links of how Elwaies had been given the office of Lieutenant in the Tower, it does not explain the why, and perhaps Chamberlain was also searching for the answer when he wrote Elwaies was “too mild and gentle a disposition for such an office,” since the sadistic office of lieutenancy in the Tower was under the screams of men being tortured and would logically have been torture in itself to Elwaies’s character.

But let us see what was under a Lieutenant’s responsibility.

Overbury, after the King’s order, was kept a close prisoner; this meant confinement to his cell, no visitors, letters or books or other possessions. However, as will be seen, not only Overbury had visitors, letters and books, he also had frequent correspondence brought to

²⁵⁸ John Nichols, *Progresses*, Vol. II., Correspondence of Chamberlain to Carleton.

²⁵⁹ State Papers, dated September 10, 1615: Vol. 81, No. 86.

him and sent from him. If a close prisoner was approved to visitors it had to be on the approval of the Lieutenant, in this case by Gervase Elwaies who was appointed by the King himself.

A level in command above the Lieutenant was a Constable; and, a level below in command to the Lieutenant was the Warder, and then came the Gaolers, with a final level being the guards.²⁶⁰ Each prisoner had his own Warder assigned to him, which as mentioned was a position above the Gaoler.²⁶¹ The more important prisoners often had their servants and even their wives living with them. Servants and members of families however had to submit to prison regulations and were not allowed to leave the Tower at will.

Overbury had no Warder assigned to him according to Bacon; but this turns out not to be true, for we learn that “the Warder [Cary] in charge of the Bloody Tower was transferred elsewhere, and in his place was appointed Richard Weston, on the recommendation of Somerset.”²⁶² Regardless, Bacon termed Weston’s position as “under-keeper,” and it is probable that the King’s Attorney-General, to undermine and subdue the character of Weston, demised the title of the position he held.

Elwaies testified that he was placed as Lieutenant of the Tower “ten days after Waad was removed,” which happened on May 13th. So according to Elwaies (“ten days after”) would be May 23rd when he sets foot in the Tower as Lieutenant; Bacon corroborates this at Somerset’s trial when he goes into the matter of replacements at the Tower: “Sir Thomas Monson told him [Elwaies] that Waad was to be removed, and that if he succeeded Waad he must bleed, that is give £2,000. And ten days after Waad was removed, he [Elwaies] came into the place, paid £1,400 of the money at his uncle Alderman’s house to Dr. Campion.”

This money was paid a year later, as the State Papers reveal. Dr. Thomas Campion (poet and later a physician) upon being examined on October 26, 1615, said “he received £1,400 from Alderman Elwaies, on behalf of Sir Gervase Elwaies, for the use of Sir Thos. Monson, the Midsummer after Sir Gervase became Lieutenant of the Tower. Knows not for what consideration it was paid.”²⁶³

²⁶⁰ David Jardine, *State Trials* (London: Longman 1828): “If Warders kill a prisoner under a reasonable apprehension that he/she is about to rescue themselves forcibly from their lawful custody, it is justifiable homicide.”

²⁶¹ David Jardine, *State Trials* (London: Longman 1828): “If a prisoner dies by duress of the Gaoler, it is murder.”

²⁶² Major-General Sir George Younghusband, *The Tower from Within*, (London: Herbert Jenkins, 1919).

²⁶³ State Paper Office; Domestic Papers, 1611-1618. No. 105.

For the late payment, perhaps Sheriff Elwaies only about that time gathered the money to pay off the Office which was procured for his son; and, as to why Thomas Campion had unwittingly carried the money as an intermediate, would have been as a favour since he was friend and physician to Thomas Monson.²⁶⁴

To give particulars on the matter, Monson was examined but not under oath; this meant that “examinations in law are upon oath; and if made in Court not upon oath, are merely communications, and not evidence.”²⁶⁵ So what Monson was saying in Court on this matter, was hearsay: “Lord of Northampton [Henry Howard] upon the displacing of Waad moved the King for Elwaies; and that he directed Elwaies to go to the Lords of Shrewsbury and Pembroke to move Somerset to speak for him to the King.”

We proved earlier, from Elwaies’s declaration written on September 2, 1615, that his position was appointed by the King; whether Henry Howard “moved the King” to accomplish this, as Monson said, is very possible.

Now notice something that happens, which is not only irregular, but peculiar.

In Elwaies’s second examination, and after being visited by Coke’s planted “divine” called Dr. Whiting, Elwaies changes his story. He now tells us he entered as Lieutenant of the Tower on May 6th and not on May 23rd. By changing the dates, he not only discredits himself, but Bacon also who corroborated him in his first examination. With changing the dates, Elwaies also changes the events of what happened; notice the irregularities now created, which no doubt had researchers and historians scratching their heads in puzzlement.

1613

May 13th	Waad’s discharge
May 23rd	Elwaies’s 1st version of entering as Lieutenant; the Tower was left without a Lieutenant for 10 days until Elwaies enters
May 6th	Elwaies’s 2nd version of entering as Lieutenant; the Tower has two Lieutenants for the duration of 7 days until Waad leaves

²⁶⁴ Campion’s medical practice does not seem to have interfered with his artistic career as he moved into the world of courtly entertainment, which he provided in 1613 for the wedding of the Princess Elizabeth to Frederick Count Palatine (*The Lord’s Masque*, 1613), and of Somerset’s wedding with the Howard woman (*The Squire’s Masque* or *The Somerset Masque*, 1614).

²⁶⁵ David Jardine, *State Trials* (London: Longman 1828).

In all probability, the government saw the irregularity of dates and events which Elwaies's first examination was creating, and needed to either force or persuade Elwaies to change his confession to when he entered the Tower as Lieutenant. This way, it did not look so offensive that two Lieutenants were at the Tower until May 13, 1613, when Waad was discharged as opposed to having no Lieutenant for 10 days handling the prisoners.

Sly mannerisms if this was done.

Factual dates

April 21, 1613	Overbury arrested
April 30 - May 13, 1613	Sir William Waad is Lieutenant
April 30, 1613	Overbury enters the Tower
May 13, 1613	Sir William Waad discharged
No Lieutenant for 10 days handling the prisoners	
May 23, 1613	Sir Gervase Elwaies replaced as Lieutenant

As proof scans the past, the Tower of London was without a Lieutenant from May 13th till May 23rd. The only individual who had authority during these 10 days was the Constable of the Tower ²⁶⁶ who was at that time Lord Howard de Walden, appointed Constable of the Tower of London since February 1601, and was no other than Thomas Howard, the father to Frances Howard.

So we now have evidence that the Constable of the Tower was Somerset's future father-in-law; and anything could have been going on with Overbury during this ten day period without the King's knowledge. And if we take into account Elwaies's testimony, that Overbury did not reach the Tower till April 30th, then only God knows where Overbury was kept for 8 days, who approached him, and what he gave back in exchange for his life and entered the Tower under false pretenses that Somerset would get him released within a fortnight.

It does not surprise us one bit that Overbury did not make it out alive from this treacherous web he had weaved himself into for being the first to give that "damnable and

²⁶⁶ William Benham, *The Tower of London*, (London: Seeley & Co., Ltd., 1906): "The Constable of the Tower had always been a very important personage, holding his appointment by Royal Letters Patent under the Great Seal. He had the honour of the privilege of audience of, and direct communication with the King. On his installation the keys are delivered to him by the Lord Chamberlain. He, always a man, therefore, of high rank, appointed a Lieutenant, to whom he allowed £20 a year, with such savings as could be made in furniture and food."

fatal advice” to kill England’s apparent heir to the throne, Prince Henry. Justice may be blindfolded, but the Ancient Greeks had a saying: “Unjustness never pays;” it’s an open account until Justice raises her hand to take off her blindfold.

On May 25, 1613, another examination crops up in regards to the mysterious character of Mary Woods. It is clear, even at this late date of May 1613, that Mary Woods was still being discredited by witnesses: “Isabel, wife of William Peel, on the practices of Mary Woods to procure money from her and others, on pretence of giving them husbands or children. Knew nothing of an attempt of Lady Essex [Frances Howard] to get poison to kill her husband.” ²⁶⁷

June 10, 1613, is when at Lambeth the hearing began in “the cause of the Earl of Essex’s divorce.” ²⁶⁸ This month also sees another letter written from the Tower, with mention of something which Overbury wishes Somerset to send him; if this was the alleged arsenic Bacon mentioned that Franklin had procured, is very possible: “Mrs. Turner desired him [Franklin] to buy some of the strongest poisons he could get; which he did, and brought them to Mrs. Turner and my Lady [Frances Howard] and at that time they both swore him to secrecy. And afterwards he perceived that these poisons were sent to the Tower; and amongst the rest a kind of white powder called *arsenic*, which she [Frances Howard] told him was sent [to] Overbury in a letter; and after showed him and told him of many more poisons that were sent and to be sent by Weston to Overbury. And those poisons which my Lady showed him were wrapped in a paper written with a Roman hand. And they tried some of the poisons upon a cat or a dog, which was wonderfully tormented and died.” ²⁶⁹

Sir Thomas Overbury to the Earl of Somerset

(June 12, 1613) ²⁷⁰

This, after the receipt of your last. First for that of Killigrew, send it as soon as you can by this fellow, [Lawrence Davies?] but very secretly for me to have in store; but, for tomorrow, it shall be enough for me to show my legs wonderful little, [frail,] which I will impute, since this though they were so afore, [before,] and then my message by Pembroke, and then I will use

²⁶⁷ State Papers, James I., Dom.

²⁶⁸ Ibid.,

²⁶⁹ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I’s Reign.

²⁷⁰ Harl. MS., 7002, fol. 281.

this vomit two days after, which will be a new occasion for you to be importunate to send me into the country [to everyone] to save my life, for 'tis not the close air, but the apprehension of the place that hurts me which you must stand upon.

I have now sent by the Lieutenant [Elwaies] to desire you (Mayerus being absent) ²⁷¹ to send young [Dr.] Craig ²⁷² hither and Dr. Nesmith. If Nesmith be away, send I pray Craig and Dr. Allen, two such as when they go back may go unto the King and relate how much my body is wasted with thought of the King's displeasure and this place; and this is all, for I will take no physic of them; ²⁷³ and upon this reason that till my mind be eased, no physic can cure my body, and so, having showed them this, I will desire them to come to you, then you to carry them in to the King, then you to send them in to the King by Patrick Mauld or so; then presently after, go you in yourself.

Lawrence Davies, at his examination, noted that "three weeks after Elwaies came to be Lieutenant of the Tower," Somerset, in a letter, sent "a white powder to Overbury and that it would make him a little sick, so he might have the better opportunity to speak for him to the King; and he saw this letter." Elwaies came to be Lieutenant of the Tower on May 23, 1613; so according to Davies, the letter was sent to Overbury around June 14, 1613, two days after the above letter was sent to Somerset.

The following letter must have been sent after the above, because it talks of how the King had discovered Overbury was receiving messages through "wine and tarts." Due to major (and a ridiculous) mutilation the letter has suffered, we give our readers some assistance by adding our notes in a column to the left.

²⁷¹ If this is referring to Theodore Mayerne, he was in Baths attending on Queen Anne.

²⁷² Dr. John Craig had been appointed the King's Chief Physician on May 2, 1603. In 1617 there were two physician called Craig, the elder and the younger; both physicians to the King, who each received £100 per annum.

²⁷³ It is evident Overbury did not have much trust in these so-called physicians.

Sir Thomas Overbury to the Earl of Somerset ²⁷⁴

Take heed you be not cozened [tricked] in the relation of this business; for he [Thomas Monson] that the King has appointed to warn the Lieutenant [Elwaies,] and relate to him what is found, may say the Lieutenant said this and that which he never spoke [of].

Therefore, the day the King comes to this town, let one be sent afore [prior] to the Lieutenant, to warn him to come to the King as to speak about my Lady Arabella [Stuart] and then let him ask of himself directly whether there were any such paper [letters] afore, whether any since; so you go to the root, else the instrument of conveyance may overthrow all, but this way you deceive him quite.

The passage seems to imply that somebody had reported to the King that Overbury was receiving messages through "wine and tarts" and was trying to trap Somerset in confessing it. Later in a letter of Overbury's he clearly says it was a physician.

As a consequence, the King appoints Thomas Monson to direct Elwaies to keep a

I tell you what makes me think the Lieutenant never said any such thing, but they feign it upon him: Yesterday, he [Elwaies] and I talking of news, I told him how ignorant of all things I was since I came in; he said, 'Nay, you have received wine and tarts.' I took it presently upon the list [inclination] and a Testament lying upon the table, I swore upon it that none of all those things ever conveyed anything to me but themselves; and he took up the book straight again, and swore he never suspected that they did, and the same he swore to me again this morning, taking it unkindly that I would suspect his suspicion. Therefore, the man is belied, [manipulated,] and the King abused by the instrument.

²⁷⁴ Harl. MS., 7002, fol. 281.

*lookout for messages sent,
as Coke tells us in his
Memoranda: "He [Monson]
advised the Lieut. to search
in the tarts for letters."*

Now therefore, look to it. This was on Tuesday night, for the fellow here [OMITTED] being so far engaged [OMITTED] greedy villain as your [OMITTED] he now and then seems dainty [OMITTED] or a promise from you [OMITTED] under you. About what [OMITTED] and I will entertain his [OMITTED] him faithful enough.

*The passage could be
relating to some final
documents "but two" which
Somerset still needed
Overbury to return, and was
requesting them from the
latter's landlord who was
Simcock.*

But I [OMITTED] have spoken that they should [OMITTED] but so that there is but two [OMITTED]; sure my landlord [Simcock] is set on to [be] jealous, which is no hard work, for yesternight again he wondered at my being here this long, [since Sir Robert] Mansel [was] out and returned again to Court, whose cause and manner and time of imprisonment was much different from mine, and he had the same enemies I have, and no such friend.

This he told me how much cause you had to venture not only your fortune but even your life for me, for 'twas well-known all this malice [OMITTED] upon me, not for any fortune or titles that I had, but for making a stranger so great an actor in this State.

*It seems the quarrel with
Pembroke was in regards to
some suit going wrong.*

Besides, he knew that out of my truth to you, I had refused £2,000 from Ignatius, and entered into a quarrel against Pembroke.

Overbury is correct to

I told him I wondered too, and I knew 'twas without example,

complain; a sentence for contempt was usually for a small duration of 15 to 20 days. He also gives the two incidences of when he was approached in regards to his Ambassadorship proposal: To the Archbishop Abbott, he says “first to show an utter inability;” meaning, he told Abbott he was not qualified for such a position, and so refused it. To Howard and Pembroke, he says “after that, and in that respect to profess unwillingness,” meaning he directly told them he was unwilling to go abroad.

So in Overbury’s mind, he did not show “contempt” towards the King as he was accused of: “I thought it was contempt without example.” Somerset was telling Overbury that the “law-speakers,” whoever they were, were trying to persuade him that Overbury did indeed show contempt

such an imprisonment upon contempt, and for a man first to show an utter inability, and after that, and in that respect to profess unwillingness, I thought it was contempt without example.

Now, I perceive by that you said of the law-speakers that you [have] been made believe that mine [contempt towards the King] was [the] fault; [reason;] and, if it were not for you, much would be done.

Sir, be not deceived; as my accusations were all false afore, [before,] so is my fault no fault; (what said the Duke [of Lenox] about going over? [as Ambassador to Russia]) nor had it been the uttermost contempt, is this kind of imprisonment due to it.

I said I would not [OMITTED]; that I must maintain [OMITTED] for to gain that word [OMITTED] them, first I thought [OMITTED] then the lawyer [?] said [OMITTED] not [to] leave my country, which [OMITTED] to be granted; [looked into;] and Pembroke, I be not deceived, they [OMITTED] Mansel too out, [released,] so to my [OMITTED] compassion both to the world [OMITTED] what will you say if the King, as he told you at first that you would not have me send him post to [OMITTED] or Oxford straight, so now he say[s] that you would not have me take him out any degree; and so with form put you off again, am not I then in a good state, the progress coming on, by trusting upon you?

Or have not you done well, the people dissolving within four days, to have those in your hands, that if this trick hit not,

towards the King and for this it was his fault he remained in prison

In addition, Somerset tries to put Overbury into being obligated and if it was not for him, "much would be done" against Overbury. But what else could be done against Overbury for showing "contempt"?

Notice also how Overbury confesses that anything else reported in Court or to the King he had said, was "false;" he only gave two responses to the

Ambassadorship: He told Abbott he did not have the qualifications, and he told Pembroke and Howard he was not willing to leave England. And Overbury proves he did not act in contempt towards the King, by giving the example of when Lord Lenox had refused the Ambassadorship position, which was worse than what he had answered;

you are undone, for I warrant few in England but think 'tis your plot and vanity to keep them in your hands though the State be ruined by it?

yet, Lenox was not charged
with contempt.

O, have you not husbanded these two months well, both for me and Neville?

In what degree we were both the first hour, there are we still, and I fear that course of quick dispatch which I prescribed must be your refuge now when all is done, for I hope you will neither suffer me here longer nor keep those longer in your hands, whatever course you take, for both those I hope you are resolved.

Then I wonder to see you so cozened [tricked] as to think the King keeps me here in respect of my fault, [contempt,] or in respect of Neville's business. For he [the King] knew at [OMITTED] I was as far from that [Ambassadorship] as here thus close, but the matter was [that] *Libels* had told him [the King] you governed him, and *Agrippina* [Queen Anne] told him he durst [dare] do nothing to discipline you.

Now he, [the King] to let them see 'tis not so, but that he could discipline you when he pleased, he had continued this with making objections, and telling of information, [adding gossip,] and so won time upon you by hearing answers and the like.

I should be glad to hear Will. Udall's business of hides [secrecy] went on, for his sake no less than my own. For the reversion after Fulke Greville for Jack Lidcott's boy, you may keep any other from having it till a fit time to pass it for him. For Badger's stewardship, I would he had it. For Shirley's do

somewhat. 'Tis a fine suit. This year has been lost both for office and parks. Make that sure at the end of it.

Upon you, [you] know my fortunes depend too. If I had brought it to Pembroke's brother or Hansuffs's, they had passed it sooner, and I would have made my part £5,000 for in all, 'tis twelve. [£12,000].

Pembroke can cause *Agrippina* [Queen Anne] make the Archbishop [Abbott] cease from being any more of the plots with them, and shame him for what is passed. Her nature is, if it be well followed, now others would oppress me, to be as much for me, as afore [before] she was against me. Do you and Neville set Pembroke upon this? So there is two taken off, the Archbishop [Abbott] and Northampton, [Henry Howard] and then one push will rid me hence. [from here.]

If he [Henry Howard] have a design, [plan,] rather a wish (I think) than a hope, to have me go over [to Russia?] for two or three months, which I think he [the King] will not have, the answer to that is that nothing helps the spleen so much as our native air; and foreign, though better, hurts it; therefore, of late Mr. Burgess, the famous preacher, having the spleen, though otherwise of a strong body, was fain [gladly] to leave his charge at The Hague, only to come to London his native air, for the ease of his sickness.

And I whilst I was abroad, [in 1609,] was never well [an] hour, as Mayerus [Mayerne or Maier] knows, which made me return so soon.

This late example of Mr. Burgess [made] known, will prevent

“Gid” was Giles Rawlins who was Somerset’s servant.

that motion; and best, if it be used by way of discourse beforehand: Mr. Burgess, the silenced preacher, had at The Hague a great stipend, and was fain [gladly] for the spleen to come to his native air and lose all, being forbidden to preach here; mark that. [take notice.]

Will the King mark by this particular if all the tricks and tales they put upon me were for my sake, or to reflect his anger toward me upon Neville’s business, which is a good observation, for they made as though they were only angry at me, without any meaning to hinder the King’s intent.

I am of opinion, that villain Dr. Andrew gave them notice of your sending tarts; and for your cousin (if you did not send for him up foreknowing my absence) it were well you sent him home, for either his charge is to no purpose, or else he is very negligent of it, to live here so long, and you know, in the progress, if he have not stable [and] bed as he please, then his murmuring goes by your nation to the King, and so lights on me, for *Gid* and he, have their offices in possession.

It is uncertain who this “Dr. Andrew” was who was telling “them,” perhaps the King and Court, that Somerset was sending tarts to Overbury that included letters and messages. If this “Dr. Andrew” was the one and the same Dr. Francis Anthony, who in October 29, 1615, was examined, is possible. This physician had noted that “he and his wife have twice sold *aurum potable* to a servant of Overbury, while he was in the Tower, as an antidote for poison.” As a result of “Dr. Andrew,” the King orders Monson to stop the flow of letters. It seems Monson did not do such a thorough job at the time, because the letters continue till September.

As mentioning Bishop Abbott above, we should add another of Overbury’s letters here; it is undated but was written toward the beginning of June 1613, as Overbury himself writes “a

month of such close imprisonment is punishment enough,” and talks of George Abbott in some places, which alludes to this Commission in examining the nullity of the marriage between Essex and Howard.

The letter also gives strength to our explanation how Elwaies was placed Lieutenant of the Tower on May 23rd and not May 6th.

Sir Thomas Overbury to the Earl of Somerset

(June 1613)²⁷⁵

“Hansuffs” was another cipher name used between Overbury and Somerset, to which we do not have the key in deciphering who it was. Overbury is definitely alluding to having some plot in preparation for his “reconcilement” with the King. The cipher name “Hansuffs” could have been the Archbishop Abbott who had much influence with the King as was witnessed in 1614, when he attended to setting up the new favourite (George Villiers) and influenced Queen Anne to the point she recognize that in order “to drive one nail out with another,” she needed to

Now for Hansuffs’s new instructions:

First, you must tell him that you are so far from speaking of this, as that you must make him swear, and so he Suffolk [Thomas Howard] that no man shall know this, but only he and Suffolk; not Suffolk’s wife [Frances Howard’s mother] nor any child, neither will you have any of your friends know it; but especially not the King, because he must, in appearance, after the Offices be settled, be the author of this reconcilement, and must know nothing of this privately done betwixt you three [Hansuffs, Thomas Howard, Somerset] and me, when [OMITTED] know it.

And therefore Suffolk must take care not to tell his wife, nor no soul living.

²⁷⁵ Harl. MS., 7002, fol. 281.

*accept the new favourite.
If it was not Abbott, then it
was Mansel because
Overbury further down talks
of this man.*

*Overbury talks of Elwaies
replacing Waad; it
strengthens our point given
earlier, that Elwaies was
installed on May 23, 1613,
as Lieutenant.*

Now for the first obligation betwixt you, which is my delivery; [release;] say you have prepared it so, that if Suffolk do but what you will propose, he and I together will carry him out straight, and that is that Suffolk must come to the King one morning at Greenwich and tell him that the Lieutenant *hujus loci* [his place] is come to him and tell him Overbury is every night so sick as he is ready to die, and that these two or three nights, he has set one to watch him in another room without his knowledge, who thought still he would not live an hour, and that he, being of a haughty nature, and ashamed of this disgrace, conceals it, and will not so much as confess a word of this to the physicians.

Now, for his [Overbury's] part, he is afraid he will die in his house, except he be dismissed, and that upon the sudden, here any know. For, to our knowledge, his keeper [Weston] knows not of this.

Hereupon may Suffolk say, [to the King,] 'Sir, I, hearing this, thought myself bound in honesty to tell you, first for fear he [Overbury may] die in the night. It might cost my Lord of Somerset his life too, when you see how passionately he loves him. Next Sir, for my own part I speak, for the world, thinking me his enemy, would lay his blood to my charge, which I would not have imputed to me for all the world. Now

Duke of Bouillon was brother-in-law to the widow of the Elector Palatine.

William Russell (1st Baron Russell of Thornhaugh), born in 1557, was given the Office of Lord Deputy of Ireland, in 1594 and served there with flamboyance. He died on August 9, 1613, just three months after this letter was written.

Sir, take no notice, I pray you, of what I inform; but, what you do, do suddenly, [quickly,] before it be too late, and let my Lord of Somerset know nothing but that you do it for his sake, never taking notice that I have said anything, and, indeed, considering his offence, being only a hasty answer, a month of such close imprisonment is punishment enough.'

Here is a plot exquisitely laid, the King understanding no correspondence betwixt Suffolk and you. [regards to this "plot."] But now, here is the caution of it. For your enemies insulting, be sure they never hoped for such a day of public glory, howsoever my friends conceal it from you; [though] Bouillon, [the] Deputy of Ireland, all Ambassadors hear of it.

You write me nothing whether you have yet forbid Northampton (as he looks for any friendship from you) not to mingle his little business with these present, or else that he and you will be strangers, which I know he will not have a public demonstration of. And for him 'tis no matter. Only traffic [deal] with Suffolk.

You write me nothing what security you have for the second [secretary] with Neville. That is all neglected; for, if it be his man, [Sir Ralph Winwood,] except you have some foreknowledge of it, they will count it no act of yours. Be rid

*This paragraph is twofold:
Either Overbury is telling
Somerset to play along with
the King and show some
hatred and betrayal towards
Overbury, which is the King's
"aim;" or Somerset is to
pretend in willing to murder
Overbury so the King will
intervene and release his
prisoner.*

*Since we know Overbury does
not make it out alive from the
Tower, perhaps the second
option we give was acted
upon.*

*Overbury is talking about the
King in this paragraph.*

*Overbury tells us the King
knew he would have refused
the Ambassadorship to*

of those you keep, and get me restored; and, if ever you and I engage either for faction or public, never trust me. Let everything go as it will.

But if you now [OMITTED] with writing letters, and fit these turns, wait; go to church, be necessary [needy] about him [the King?] till I be restored, then you betray me, for that is all he aims at. But when he sees you make use of every opportunity to no other end, but to rid [release] me out of this place, and that for other business, [of State?] you will meddle with none, he will dispatch [release] me.

Therefore, look now to your fashion, for he observes well whether time work[s] anything, and you see how well he quiets you with kind generalities, but in particular gives you not one effect; as the other day he told you, [in order] to cure your sickness, that if you would do but this, you should obtain your ends sooner than you expect.

Upon that, presently you made an [—t?] recovered, got[ten] abroad; what done, notwithstanding so just a pretence for him as my sickness, he could not grant that of which never

Russia.

Overbury had complained that he suffered from the spleen, which was a negative ailment in going to Russia; he also tells us that Somerset talked to the King about this ailment “presently after” Overbury’s refusal.

But if this is true, then why would Somerset confess at his trial that he agreed to Overbury’s confinement, so he is “reformed”? It tends to lean towards thinking if these letters are bogus, or Somerset lied at his trial. The latter is more probable. It is also evident that Overbury is explaining the King’s mannerism.

Waad was removed May 13, 1613, just three days before the Commission was arranged for the annulment of the Howard marriage

man for such an offence as mine was restrained of; nay, such an offence as he himself sought, [caused,] for he knew, afore [before] they [Pembroke and Thomas Howard] came, I would not go such a journey, nay, what is more, presently after, would not believe you about my sickness; nay, in your last conference, [he] begun to slide back [retreat] and talk to you of showing his favour to you otherwise, [differently,] so by that means to call the point itself in question which before you took for granted, and with speed, by reason of his words: ‘Sooner than you looked for.’ Do but mark this proceeding, and thereupon leave off your confidence, [stop being confident,] and suspect all but effects.

Of that [a favour] you have not had yet one; nay, he has not told you yet, that [in order] I would reform, I should return to Court. Mark [notice] how you are handled.

Today I hear nothing of having the liberty of this place, and the fellow [Waad] is now to be put away, and indeed I would be glad he were gone for our security, for now if you cannot get present access for my friends, and upon my sickness too, I never look for it: Tuesday is a month close prisoner.

between Essex. This letter could have been written a day or two after Overbury heard Waad had been removed.

The fact is that Somerset had requested Overbury's imprisonment so he be "reformed" as he stated; but not for the reasons he said, which were that Overbury "should make no impediment" in Somerset's marriage; but because of the confrontation they had in regards to the papers stolen from Somerset's chambers. That Overbury repeats here how Somerset should conduct himself with the King and he should "forsake" himself to the King if Overbury is not released, just shows how much trickery was used by Somerset to give the impression that he was sorry for joining forces with the King in having Overbury put behind bars.

Sure the reason to keep me close so long, is to try all ways upon you alone, [manipulate you,] whether he [the King] can work your consent to a separation; for, after the doors are open, [Overbury released,] then, he thinks, we will mingle thoughts again, and after that he will not hope for it. Therefore, now is the time he will try you always, therefore lose no hour to declare your resolution that God forsake you if ever you forsake me for any hope or fear, and let it be an example to him that you can forsake him, and tell if ever you rest, eat, or sleep quietly till you have me restored, and this boyish shame taken off you; and then show him your resolution.

It is doubtful Somerset had any plans to “quit all business” at the Court or with the King. It is peculiar to us Overbury thought this was possible with Somerset, but not to Overbury; because what he had agreed with Somerset after giving back some documents he stole, is beyond our knowledge.

Grey Brydges the 5th Baron Chandos (1580-1621), was reported at Court on September 9, 1613, five days before Overbury dies in the Tower that a duel was to be fought by Chandos and the King’s past favourite, Lord James Hay.

For me, I shall be reformed according to his instructions never to transgress, which he cannot but accept. If that will not [work,] you will quit all business, to take away the subject of this vexation, or if both these fail, it will have a worse end.

You desire Hansuffs or Pembroke’s brother’s liberty, or rather to shut yourself up in a park and die, for this you will never over-live. These three, when he sees sure, he will choose the first [Overbury’s reform] and presently tend towards it.

For loving me better than him, what he touched, [spoke,] you must never let such a thing slide by unanswered, for that you are a natural man; where your most love is, there your most company is, and he can never say that anything that this world had drew him one hour from you, [drew you one hour from him,] nor ever was with me but when by reason of his business, or other company, you could not be with him, and you fear the satiety [gratification] of your company has brought him to this little fondness of you. Indeed, Pembroke, Southampton, Chandos and Neville, were company [to the King] too mean.

Look upon their companions; and there was no gentleman that applied himself to you, but were of the best quality and

Events of August 1612: (a) "Prince Henry now complained of migraines which were accompanied by nose bleeds, in great quantity; (b) an Ambassador "travels like a spy;" (c) Pembroke and Somerset are "so far out, as it is almost come to a quarrel; (d) Pembroke tried to "shorten" Somerset's "days by strawberries and cream," which were poisoned. Either Overbury here refers to Cecil's death or Prince Henry's.

This word "To" occurs many

houses of England, as Jermyn, Berkeley, Radcliffe, Mansel, Killigrew, Udall, Lidcott, the best houses in England. You are no old man yet, nor can delight in old company [the King's] continually. That day Neville is made [secretary] be sure you never so much as to take notice of it, or look cheerful.

Tell [OMITTED] you receive no honour till first you be freed from disgrace. 'Tis the manner of benefits [that] pleases, not the matter; but you, for preferring a good servant to lose a friend, was an ill recompense. Besides, for the thing itself, if it be well done now, it had been better done some ten months ago. [August 1612.]

The delay has spoiled the world, and the ending of it worst, to take away one that has deserved as well as ever he can deserve; even so, without any rejoicing speak.

There engage Neville presently (as soon as the company is gone) about me. Perchance this man will send [Archbishop] Abbot to deal about me; if he do, never answer him nor any else, but say you use not to speak to your master [the King] by mediators. You may speak with him himself.

If you cannot do something presently, you must take that To

*times in Overbury's
correspondence to Somerset.
It is difficult to say what its
meaning is, unless it is some
sham illness, with which
Somerset was accustomed to
melt the King's heart.*

again, and not recover till I am out, and be so dangerously sick that you much desire to speak with me before you die. Tell him that is your last request to him, and so you must continue till you have got[ten] me out, and got Patrick Mauld and Mont. [Montgomery?] to be with him still. This do rather than let me live here [OMITTED] a [OMITTED] this fashion, and my mind overthrow my body forever. Do somewhat like an honest man and a friend; though you never do more: Get me from hence.

*Perhaps Overbury is
mentioning Somerset's intent
to marry Frances Howard or
the documents he returned
which was termed by
Somerset as a good "deed."*

For the opinion of this deed, alas you bid me have a good heart. You must know that the best hearts can ever worst bear shame and victory; and so, for my part, I wonder to hear that you [are] abroad and are seen in the world, I being here; for God refuse me if I be not so ashamed of staying here so long that now I never dare open the windows to look out; and, for the offence he speaks, bid him gravely beware lest when all comes to all, it proves my words imported no contempt. Say 'Sir, 'twere well you thought of that, having restrained a subject's liberty of his quality, thus long and close, to which contempt never use to have above a week.'

After the above letter, and Overbury's father visiting the King, Somerset intercedes for the first time to have some physician look over Overbury by writing on June 14, 1613, to Dr. Craig, one of the King's physicians.

The Earl of Somerset for Dr. Craig**(June 14, 1613)** ²⁷⁶

Mr. Doctor Craig:

Whensoever Sir Thomas Overbury shall desire you to come to him, the King is pleased you shall go. This the Lieutenant [Elwaies] will not refuse for a warrant, if there should be any question made of the worth of this; if your own word may be taken, you need not show this. I pray you let him have your best help, and as much of your company as he shall require.

So I bid you farewell, and remember your loving friend.

SOMERSET

Henry Howard also intervenes as seen by the following letter, undated, but must have been sent at the same time as Somerset's.

Henry Howard to Sir Gervase Elwaies

Good Mr. Lieutenant,

The King's pleasure is that Mr. Doctor Craig, this bearer, shall be admitted to Sir Tho. Overbury, that during the time of his infirmity he may take care of him, and as often as in his judgment to this end he shall find reason. Old Mr. Overbury's petition contained another request, which is for the access of a servant, which his Majesty thinks good to suspend for the present. Thus with my best wishes I end this, Thursday at 12. Your very loving and faithfully assured friend.

[Endorsed in Elwaies' handwriting]: The Lo. Nor. for Dr. Craig to Sir Tho. Overbury, to see him so often as for his health he shall think fitting.

We add Killigrew's letter to Somerset on Overbury's request for some drug, which Overbury requested in his previous letter, which will allow the flow of events.

²⁷⁶ State Paper Office; Domestic Papers, 1613, June 14, No. 73.

Sir Robert Killigrew to the Earl of Somerset ²⁷⁷

My Honourable Lord,

I have here sent you enclosed the vomit you desired of me, but I would not counsel your Lordship to take it, unless the physicians do allow of it, at this time; for though this be as good as any can be, yet there is no such medicine good for all persons at all times, of which they are the best judges; but if your Lordship be resolved to take it, this bearer can give direction for the manner.

Your Honour's devoted servant.

Sir Henry Neville writes to Winwood on June 18, 1613, in regards to a suit which has been delayed and offers the explanation why, which involves Overbury's actions: "When I wrote last I had strong presumptions that this long depending business, wherein you have likewise an interest, would be forthwith dispatched, and I yet see no cause much to doubt it; for I discover that the delay has grown upon two suggestions secretly made to the King against me. The one that I had some hand in the matter wherewith Sir Robert Mansel and Mr. Whitlock were charged, which is already cleared; the other, that I have held continual intelligence with Overbury since his imprisonment; a matter so far from truth, as I protest there never passed between us so much as a message since his commitment." ²⁷⁸

The following letters describe Overbury's ailment; how he awaits either Mayerne or Maier to visit; and, describes what happened after Mayerne or Maier visited.

Sir Thomas Overbury to the Earl of Somerset

(July 5, 1613) ²⁷⁹

This morning (notwithstanding my fasting till yesterday) I find a great heat continue in all my body, and the same desire of drink and loathing of meat, and my water is strangely high, which I keep till Mayerus [Mayerne or Maier] come[s]. This distemper of heat, contrary to my constitution, makes me fear some fever at the last, and such a one meeting with so weak a body will quickly, I doubt, end it. And in truth, I never liked myself worse, for I can endure no clothes on, and do nothing but drink; this is the story.

²⁷⁷ Harl. MS., 7002, fol. 281.

²⁷⁸ *Memorials of Affairs of State in the Reigns Elizabeth & King James I.*, Vol. III., (London: Inner Temple-Lane, 1725).

²⁷⁹ Harl. MS., 7002, fol. 281.

Now my request to you, and it may be my last, is that you would get me leave [permission] to go to my own chamber tonight, and after nine o'clock, I may go thither in the Lieutenant's [Elwaies's] coach, unseen and unknown [OMITTED] possible to get me hence tonight because of that business tomorrow; then pressing tonight vehemently will make him condescend for tomorrow night, and besides will keep the other from failing tomorrow; and tomorrow night, however I am, though I die for it, I will, if I may, go out of this place, if I cannot tonight.²⁸⁰

But if he deny you tonight, and tomorrow night too, then this is my last request of you, which if you deny me, you will tempt me far, that after moving it tomorrow and failing to go to bed, take *To*, [trick sickness,] and not stir though he remove, [leaves,] till I be out. [released].

You know, the other business being done, you can have no politic pretence to put me off. My head is weak, and I write this much in pain, if you succeed not in the neither of the former, if you deny me the third.

Sir Thomas Overbury to the Earl of Somerset

(July 1613)²⁸¹

I was let blood Wednesday ten o'clock. To this Friday morning my heat [fever] slackens not, my water remains as high, my thirstiness the same, the same loathing of meat, having eat not a bit since Thursday was sennight to this hour. The same scouring [diarrhea] and vomiting.

For yesternight about eight o'clock after Mr. Mayerus [Mayerne or Maier] was gone, I fainted and vomited. The very same dryness.

After Somerset procured a physician and sent emetics to Overbury (procured from Killigrew) he writes two letters which follow.

²⁸⁰ If Overbury was permitted to leave the Tower on this occasion to go to his chambers in the city, is unknown and very difficult to establish. All we can say is that it was a peculiar request. But it does support much of what Overbury had said in previous letters, that he was not such a close prisoner as has been thought.

²⁸¹ Harl. MS., 7002, fol. 281.

Sir Thomas Overbury to the Earl of Somerset**(July 1613)** ²⁸²

You might do well to write to the *catopard* [“wild cat” being Frances Howard] tonight, to will her make her father [Thomas] sure, which, except he think it will be a beginning of a perpetual friendship with you, ‘twill not be.

You might do well to write to Northampton [Henry Howard] tonight, as sorrowing both for his sickness, and also for his absence on Sunday, but desire him to show his love in making others sure [even] though himself be away. ‘Twere well, either tonight or tomorrow, to make the King not only passive, but to tell you what he will do beforehand. Be sure to be present yourself, that will do much; and, for the Archbishop [Abbott] and Suffolk, [Thomas Howard,] not to trust to any mediation, but to speak to them yourself.

For my sickness of consumption and *flatus hypocondriacus*, [elevated hypochondria,] Mayerus [Mayerne or Maier] may be called on his oath. If he doubt your presence, then ‘tis moved [and] will do much, both with the King himself and the rest will not break promise before you.

Urge to the King Ramsey [?] and Mansel that something may be done for your sake to me as to others. I pray you let the King know the intent of my letter, both before and now, which was to desire his pardon that my heart was far from offending him. For my words, they were spoken, as being surprised on the sudden, and spoken in regard of my sickness, [the spleen,] not of his command. So by foretelling the effect of my letter, prevent that objection that I sought not the King’s favour, when you know I desired to write [it] ten weeks ago. [May 1613.] So, for suing to the Lords [Thomas Howard and Pembroke] that cannot be objected, for when the Lords were here, I being then in a fit of my fever, I got the Lieutenant [Elwaies] to desire my Lord Northampton [Henry Howard] to move the Lords in my behalf for their favour and mediation to the King. But my Lord Northampton [Henry Howard] returned that he would first speak with you about [it]. I pray you remember this offer of mine, for that prevents to that objection that I sent not to them.

If you would, by your *catopard*, [Frances Howard,] by Northampton, [Henry Howard,] or in any way, make sure Suffolk [Thomas Howard] all were gained in him only. A message from me to Suffolk [Thomas Howard] would have done good for otherwise he will fear that when I

²⁸² Harl. MS., 7002, fol. 281.

come abroad, however you stand now, I will direct you. But for that you must give him assurance for me to be his.

Northampton [Henry Howard] being sick, if he deals betwixt you, will hurt it much; but when you see him, speak with Suffolk [Thomas Howard] yourself, and that is best of all. From France keep me, I pray you, though I take physic at the progress at my chamber.

Overbury's final sentence in his above paragraph, "from France keep me, I pray you, though I take physic at the progress at my chamber," is striking.

Sir Thomas Overbury to the Earl of Somerset

(July 15, 1613) ²⁸³

I sent today a message to Northampton, [Henry Howard,] and had only a fair answer in generalities. Look therefore, you touch nothing but effects, [consequences,] and urge dispatches, for my life lies upon it, and if this way fail, I pray you answer me directly to this, whether you will not use *To* [trick sickness] for a fortnight rather than leave me thus. I know that will carry it directly. If you deny me that, I am satisfied. Another request; that you would convey that wonderful tale ²⁸⁴ to me under unknown names [and send] by Mayerus [Mayerne or Maier] or the Apothecary. [Lobell.] ²⁸⁵ Now he is sick is a fit time to urge a commiseration for my sickness, for I was never worse; and, if you leave me here, I shall never see you more, and that, I fear, my enemies understand well enough, and hope so to come by my office; but do not you be accessory to my death, though you could not conceive my body should have over-lived this much. The two Lords [Howard and Pembroke] should mitigate my fault, and say I was surprised.

²⁸³ Harl. MS., 7002, fol. 281.

²⁸⁴ Overbury probably relates to the event when Queen Anne killed the King's hound.

²⁸⁵ If the Apothecary mentioned is indeed Paul de Lobell, and we see no other who attended Overbury in the Tower, then what Somerset said at his trial, that "he never saw Lobell but once at Theobalds," is corroborated.

Sir Thomas Overbury to the Earl of Somerset

(July 1613)²⁸⁶

My fever is relapsed, my water as high as ever; therefore this is the time to strike. What if you should take notice of the tale to the King, and so cut it up by the root? 'Tis wonderful to me, that after three months' capitulation, he should offer to deal so with you at last. You wrote to me that he said he would grant you all your suits.²⁸⁷

Another examination on the Woods case is recorded, July 19, 1613, and how she “gave a powder to Lady Essex to wear round her neck, because she wished to have a child.”²⁸⁸ Still, Frances Howard is not called as a witness. If she had, perhaps a letter she wrote, the pronoun letter, would have guaranteed Somerset's guilt in the Overbury case: “There was another piece of evidence which would have gone much nearer to prove Somerset's personal complicity in the murder, if it could have been well established.”²⁸⁹

While Overbury was in the Tower, Frances Howard had written a letter to Elwaies cautioning him as to the disposal of certain tarts. Below is an image of this letter, and we have highlighted the area which relates to the matter.

Being asked whom Frances Howard meant by “he,” she said she meant Somerset; so, it was a strong piece of evidence against him; for it was good proof that Frances Howard at that time thought Somerset likely to send tarts which she knew to be poisoned, and it was proposed to use it in that sense and for that purpose.

However, when the King came to look at the words with the context, “it struck him,” Spedding notes, “that this was not the natural interpretation of them. He therefore referred the point to the Commissioners for further investigation; observing ‘that evidence, as it stands now unclear, must *secundum leges sance conscientus* [according to the laws of the Holy conscience] be laid aside.’²⁹⁰ In pursuance of this direction, Frances Howard was

²⁸⁶ Harl. MS., 7002, fol. 281.

²⁸⁷ It seems Somerset had finally acquiesced for Overbury's release; and this is more evident in another letter which will be given toward August 1613.

²⁸⁸ State Papers, James I., Dom.

²⁸⁹ James Spedding, *An Account of the Life and Times of Francis Bacon*, Vol. II., (Boston: Houghton, Mifflin & Co., 1880).

²⁹⁰ Bacon to Villiers, April 13, 1616.

examined again, and when she said that she meant by 'he' not Somerset, but Overbury, that passage was withdrawn."²⁹¹

Sly mannerisms again.

24. LADY ESSEX TO HELWYS.
[State Papers, Domestic, lxxxvi. 6.]
[1613.]

[Notes in Coke's handwriting.]

* Nota. I have but one sent to me, that must be sent by Rochester, for none sent but they two.

† Nota. I was bid to bid you say. That must needs be Rochester, for none could bid and command her but he.

‡ Nota. I was bid, &c.; that is, if he should send. He is interpreted Rochester. For Rochester in truth sent it.

§ This is expounded thus: Give this tart and jelly now sent wherein is poison, and then all shall be well. Lastly, 'If he send them to your wife' is expounded, 'If Overbury send any part of them to your wife, keep them for me because she should eat some of them.'

Sir, I pray you deliver not these things till supper. I would have you change this tart in the place of his that is now come, and at four o'clock I will send you jelly one pot, for I had but one sent to me.* I was bid to bid you say† that one pot was broken after the man had delivered. If he should know there came two pots he must be answered so, if need be, which I think will not, for he cannot tell what is come now. This much more I was bid to tell you, that if he should send‡ this tart and jelly and wine to your wife, then you must take the tart from her, and the jelly, but the wine she may drink it if she will, for in that there are no letters I know, but in the tart and jelly I know there is, as you shall know, and from whom when we get the answer as that we shall too. I know soon after he has gotten these, Sir Thomas Monson will come this day, and then we shall have some other news. Do this at night,§ and all will be well I hope. If he send them to your wife, then keep them for me I pray you.

*The pronoun letter sent to Elwaies from Frances Howard*²⁹²

Following is the letter Overbury sends requesting "wine, jelly, and a tart" to be sent to him. If we connect this letter with what happened when the King shifted the evidence away from Somerset in regard to jellies and tarts, it is evident that Somerset was communicating Overbury's correspondence to the King; if not from the very beginning, at a later point before Somerset's trial.

²⁹¹ James Gardiner, *Studies in English History*, Vol. XVIII (1881).

²⁹² State Papers. Dom. 86. 6.

Sir Thomas Overbury to the Earl of Somerset

You must give order presently, and send back for wine, jelly, and a tart to be brought to me tomorrow by James [Franklin] and then for the jelly and the wine will I never have it up to my chamber at all, but have it conveyed from James [Franklin] to the Lieutenant's [Elwaies's] wife, which is the best way. So too for a cold pasty of venison, [meet,] I will send it to the Lieutenant's, but that cannot be done tomorrow.

He that brings me this letter brings no tart which is ill lost, for tomorrow I would have the wine and jelly delivered, therefore you must send a footman away all night. The conveyance is better by my man than Giles [Rawlins], for Giles is more suspected.

Instruct Neville, if he can, to fall in talk about me at Windsor, both for never speaking an undertaking word, but modestly and discreetly, and so for not sending messages to him from hence. Lose not tomorrow for sending. I pray you let me know tomorrow before dinner whether that in the scurvy greasy bottle were legible and whether I shall send an unctuous message to Northampton [Henry Howard] by the Lieutenant, which I think would do well.

* * *

Somerset said at his trial: "Whereas it is pretended that I should cause poisoned tarts to be sent him to the Tower; my wife in her confession said, that there were none sent but either by me or her; and some were wholesome, and some not. Then it must needs follow, that the good ones were those which I sent, and the bad hers." Somerset lays all the blame for the tart sending on his wife, and should the following warrant have been issued by Somerset's plead to the King, is quite possible, since it comes within a week after Overbury's letter given above.

Warrant of the Privy Council to Sir Gervase Elwaies

(July 22, 1613) ²⁹³

Whereas information was made unto us of late, of the weak and sick estate of Sir Thomas Overbury, Knt., now prisoner in the Tower, and the desire he had to speak with some friends, we were thereupon moved upon the earnest pressing of our very good Lord, the Earl of

²⁹³ On July 1613 in the Council Register

Somerset, to grant a warrant ²⁹⁴ unto you for the admittance of Sir Robert Killigrew and Sir John Lidcott unto Sir Thomas Overbury. Forasmuch as we are informed that they have accordingly been with you, and conferred of such matters as he had to propound unto them; these shall be to signify unto you that we think it meet, and accordingly require you that the foresaid warrant do now cease, and that you keep Sir Thomas Overbury close prisoner, as we did before warrant.

* * *

If Overbury expected his release with the above warrant, he must have been disappointed; back to the drawing board it was then. Four days later, Overbury's brother-in-law takes action.

Sir John Lidcott to the Earl of Somerset

(July 26, 1613) ²⁹⁵

Right Honourable and my very good Lord,

According to your Lordship's command, I have safely conveyed [to Overbury] the notes which I received from your Lordship. Doubt not of the good use will be made thereof. My brother[-in-law] utterly disclaims that he ever had any distrust in Mayerus' physick. Therefore humbly prays your Lordship, if it be possible, to remove that apprehension of the King. ²⁹⁶

That which I spoke to Sir Robert Killigrew myself was rather to show the distemper that the violent working of the physick had brought him to it, than any distrust he had of it.

I know your Lordship had heard that the warrant for our going to him was presently recalled, so that I have no more admittances to him; but, this morning, it pleased my Lord of Northampton [Henry Howard] to send for me to let me know that he would grant a warrant to Mr. Lieutenant [Elwaies] of the Tower to carry in his [last] Will [& Testament] to him to see it published. ²⁹⁷

²⁹⁴ On July 20, 1613, in the Council Register.

²⁹⁵ Harl. MS., 7002, fol. 281.

²⁹⁶ It seems Overbury was suspicious of the King's physician, Mayerne; however, Somerset sent (via Lidcott) some "notes" which could have proved Mayerne was not such a safe physician.

²⁹⁷ Because Overbury wished to write his last Will & Testament, does not mean it was not a trick; if it wasn't, the King was not changing his mind in releasing Overbury.

The Lieutenant but yesterday told my brother[-in-law's] man, Lawrence [Davies] ²⁹⁸ that he wondered that his master's friends were so slack in finishing his Will [& Testament], for he said, he doubted him [Overbury] now more than ever he did. Yet he makes show to us to be more comfortable in himself than he was. He [Overbury] has taken all your Lordship's *aurum potable*, ²⁹⁹ is entered into another glass, and surely finds much good of it, and eats broth every day. Therefore, we hope well of him.

The greatest comfort I can give him [Overbury] is the assurance of your Lordship's favour, of which he has had so long and so noble trial as now he cannot doubt the continuance thereof. For which how much both himself and all his friends stand charged in duties to your Lordship, I cannot express. Only for mine own particular, I humbly beseech your Lordship to stand assured, that I will neither have life nor any other ability that shall not really be at your Lordship's command. I have received since your Lordship went to Farnham three several letters.

Your Lordship's humble servant

JOHN LIDCOTT

August 1, 1613, and the King adds "four more Commissioners in the cause of the divorce between Frances Howard and her husband, and it is now thought the marriage will be dissolved." ³⁰⁰ On August 4th, the Earl of Southampton to Secretary Winwood tells him "much ado there has been to keep Overbury from a public censure of banishment and loss of Office, such a rooted hatred lyeth in the King's heart towards him."

Amos (author) notes on Southampton's letter that "these last words imply that the King had some much deeper cause of enmity towards Overbury than the latter's declining the offer of an Embassy. What that cause was it is vain to inquire. That it was not a slight cause may be inferred from the effects." ³⁰¹

We give the same letter as Nichols printed it. Though it has the same wording as the one printed by Amos, there are some details which the latter did not print: "I think Sir Thomas Overbury shall ere long upon his submission have leave to travel, with a private intimation

²⁹⁸ Overbury's servant.

²⁹⁹ Potent gold: This was used to cure illnesses and was the Alchemists' "Elixir of life." If remembered, it was procured by Dr. Andrew who told the King that Overbury was receiving messages.

³⁰⁰ State Papers, James I., Dom: Correspondence of Chamberlain to Carleton.

³⁰¹ Amos, *Great Oyer of Poisoning* (London: Richard Bentley, 1846).

not to return until his Majesty's pleasure be further known; much ado there has been to keep him from a public censure of banishment and loss of office, such a rooted hatred lyeth in the King's heart towards him." ³⁰²

The importance is in Southampton's written words at the beginning of his letter; it definitely proves that Somerset was, if not already had secured Overbury's release by August 4, 1613, to travel and only return when the King felt he should. If either of the Howards (Henry or Thomas) had also intervened to secure Overbury's release, after reading the following letters, is possible. The letters are connected as being sent in one dispatch; we therefore number them for better reference.

Letter No. 1

Sir Gervase Elwaies to the Lord Chamberlain (Thomas Howard)

by Overbury's direction ^{303,304}

Right Honourable,

I returned [to] Sir Thomas Overbury your Lordship's answer, which because it was not so ample as he looked for, he suspected his own straightness toward your Lordship. Therefore he has thought good to enlarge himself, wishing according to his true and plain heart to your Lordship to receive a free and noble answer.

The first effect of your favours, he hopes will be showed in your Lordship's endeavours for his present liberty, and that as one post is dispatched hither for answer of your Lordship's acceptance, so another might be dispatched to solicit his enlargement, else might the services which he intends melt, and not become so profitable as he heartily does wish, and so soon as he is free, does desire he might make his first address in some private place where your Lordship shall appoint that he might give further assurance of that he has heartily professed.

†In [the] meantime, [he] protests that those things past, which gave your Lordship offence toward him, have never proceeded of any ill affection towards your Lordship or yours, in any personal dislike, but upon many provocations and injuries which your Lordship never knew, and such as no man but noted to be sensible.†

³⁰² John Nichols, *Progresses*, Vol. II.

³⁰³ The following is a note appended by Henry Howard: "This is the copy, without the addition of the postscript, as it should have gone, the first indicted by Sir Thomas Overbury, written by the Lieutenant."

³⁰⁴ Harl. MS., 7002, fol. 281.

Thus commending my endeavours, and all as in any to serve your Lordship, I will always be proud to serve you, and will always so rest.

GERVASE ELWAIES

Letter No. 2

Sir Thomas Overbury to the Lord Chamberlain (Thomas Howard)

Right Honourable,

That which your Lordship vouchsafed to do in my behalf [before] the progress, and at Salisbury, gives me this hope though it were at the request of the Earl of Somerset, that your Lordship's heart is not irreconcilable towards me, but my desire is not to rest there only [not] to have your Lordship my enemy; but if all the service I can perform may win your Lordship's good opinion and trust, and make me to be received as one of yours, much honour and direction have I ever seen in your Lordship both toward friend and enemy as I shall think it happily employed, and with as much zeal I shall perform it as any creature of your Lordship's living. And since it has pleased your Lordship to concur so really with the Earl of Somerset to his Majesty in my behalf, I profess upon my faith and salvation that it shall be my endeavour to the uttermost of my credit to continue friendship between your two Lordships firm and inviolable, ³⁰⁵ and that without respect to any either that is or [is] to be; and this is the uttermost assurance that a Christian and an honest man can give, and so humbly taking my leave, I rest.

Your Lordship's to be commanded.

THOMAS OVERBURY

Good, my Lord, excuse my blotting, by reason of my weakness at this time.

Letter No. 3

Copy of Mr. Lieutenant's letter to me [Henry Howard] ³⁰⁶

I humbly beseech your Lordship that my Lord Chamberlain receiving my letter [#1] sent together with this of Sir Thomas Overbury's [#2] I may understand that I write another man's wares, not my own, and that where the [red] cross is [in letter #1] he made me alter as

³⁰⁵ As we saw in a previous letter from Overbury, this was not true. Overbury had advised Somerset to fake a long-term friendship with Thomas Howard.

³⁰⁶ Harl. MS., 7002, fol. 281.

mine, and not his own, lest my Lord might again think his liberal profession was with reservation, for he is feared lest my Lord should not be satisfied.

His own direction I have also sent for part his own hand to be a deed to the letter. In that which I delivered to your Lordship to be sent to Sir Thomas Monson, his phrase falls short of that which he is now brought unto, [which] must be considered according to the difference of time between his resolutions.

Your Lordship's.

GR. ELWAIES

I sealed my letter to my Lord in his sight after he had read it, and if need be, will justify as his act, whatsoever is therein.

The Lord Chamberlain (Thomas Howard) to Thomas Overbury ^{307,308}

Sir Thomas Overbury,

The free protestation of your desire to give me satisfaction for former wrongs has taken so good [an] impression in me as I shall be willing to give testimony thereof by my best assistance for your liberty, wherein notwithstanding, not to be mistaken, I must let you know that I dare not be a peremptory undertaker when I consider in how [great] a degree his Majesty was offended with your contempt, so as I conceive your freedom must be a work of some time.

But because you so freely offer yourself to me specially in employing your uttermost endeavours to mediate a fast friendship between the Earl of Somerset and myself, without respect of any of your new friends, so much am I affected with this, as I desire to contract with you that when your liberty shall be procured, I may call again for this your letter written to me with this assurance and which I now return to you as pledge and assurance of your promised good offices between the Earl of Somerset and me.

By it you are engaged to do this, and for this I will be, your loving good friend.

T. SUFFOLK

³⁰⁷ Sent in response to letter No. 2.

³⁰⁸ Harl. MS., 7002, fol. 281.

Sir Thomas Overbury to Henry Howard ³⁰⁹

To say I could have related anything from your Lordship but the effects of your utmost displeasure I cannot yet, notwithstanding such had been your Lordship's nobleness as, upon the Earl of Somerset's request to forget things past. Your Lordship has pleased to [have] been an earnest mediator to his Majesty for my liberty, by which intercession I understand [the] state of my liberty is much bettered, which favour received from your Lordship, considering things past, make[s] a greater impression of gratitude in me, than if I had proved it from one from whom I could [have] hoped for it.

But now, if it would please your Lordship to add again your Lordship's hand to perfect this work so successfully begun, and to be a means first for my present liberty, and after for the recovery of his Majesty's favour, I protest before the living God I will ever hereafter be as faithful to you as your Lordship's own heart, and when I digress from this protestation, let this letter be a testimony to convince of dishonesty to all the world.

I am yet but weak, which will make the benefit of my liberty more precious, and am not able to write much, but so God deal with me both for my liberty and health as I do not this only out of necessity of my present state, but that I am withal desirous to receive favour from your Lordship in this business as the person of so much honour and directness as that next the Earl of Somerset I shall dispre [desire] to cast myself upon your Lordship, if your Lordship will be pleased but to accept me, and be to me as I shall deserve.

So humbly taking my leave, I rest.

What is important to realize, is that all were satisfied that Overbury was now reformed; and perhaps Somerset thought he had finally in his hands all the letters that Overbury had stolen from his chambers; and though it took about four months of Overbury's imprisonment to acquire the letters and reform Overbury, in Somerset's mind, this reforming was necessary. However, Overbury now stood in a very dangerous position to be taken out; neither could he speak a syllable against Somerset's intent to marry the Howard woman.

It is doubtful, even if Overbury had been released, he would have been brought back to stand "in the second degree of power in the Court," as he once stood. But Overbury had

³⁰⁹ Harl. MS., 7002, fol. 281.

stashed away, for extra security, two more documents he had stolen from Somerset's chambers; something Somerset finds out after Overbury is dead.

We will point this out when we arrive at the event.

On August 8, 1613, Digby informs the King that a paper was in existence containing the names of all the English pensioners of Spain. For the present, however, he was unable to procure a copy of it. And it is our belief, that the King would not have allowed Overbury to be released until he had some secure proof that Overbury was not a Spanish pensioner. If the King already knew this, then he was acting this out towards his Courtiers for no doubt being in astonishment to why Overbury had not been released up to now.

Sir John Lidcott to Sir Thomas Overbury

(August 22, 1613) ³¹⁰

Sir,

For me to acquaint Sir Robert Killigrew with this business were preposterous; for I know no man my Lord [Somerset] more mislikes, and that it should be concealed from him he desires nothing more. Wherefore for him to speak in it would but more enrage him, and do you no good, but harm. One told me this day from Sir Humfrey May [the King's servant] his mouth, that my Lord Chamberlain [Thomas Howard] is not so foolish to think that you will deny to yield to anything for your liberty; but when all is done, it will be pretended that the King's wrath will keep you there; and, in the meantime, you are cautioned on all hands to avoid that which I fear most of anything in the world. ³¹¹

I pray consent to me in this one thing, that Lawrence [Davies] may be sent out of the way, for nothing can hurt us, but must be urged from him; which, to prevent, he may send you up word by [Richard] Weston, that he finds your impatience so great, as all his pains cannot satisfy, and that he is not able to endure the toil you put him to, whereat you may seem so offended as you may put it to his choice, and I will send him where he shall be safe (under another name) from all suspicions. By this means shall we be free from their last trick; and whilst you are there, Harry may do you any service you stand in need of, I pray consider well of this, for I think it very material.

³¹⁰ State Paper Office; Domestic Papers, No. 115.

³¹¹ This corroborates our claim that the King was waiting for some proof (from Digby in Spain) that Overbury was not receiving a Spanish pension; the delay for Overbury's release depended upon what Digby would send.

Study by all means your getting out speedily, for by God, never any man was so cautioned as you are; but yet I would advise you not to see it, nor take notice of it, but to change your style if you write to my Lord of Roch[ester], and caution him another while, for there is no honest quarter to be held with him. As you love me burn this, and forbear writing all you can, for it was never so dangerous. Let this course for Lawrence [Davies] be suddenly resolved upon, which must proceed out of some angry message from you.

In the meantime, Overbury felt it appropriate to excuse his behaviour against Frances Howard to her great uncle, Henry Howard, and offer immense flattery towards her father, Thomas Howard.

Sir Thomas Overbury to Henry Howard

(August 24, 1613) ³¹²

Right honourable and my very good Lord, I received an advertisement yesterday from your Lordship by Mr. Lieutenant [Elwaies] that my Lady of Essex [Frances Howard] has been informed of some speeches of mine wherein I should wrong her in her honour. 'Tis true, my very good Lord, that I have heard from many, yea and from my Earl of Somerset himself, with what bitterness her Ladyship would often speak of me, and out of the sense of that, 'tis possible I may have spoken with less respect of her than was fit, but that ever I touched her in point of her honour far be from me, for I protest 'twas never in my words, nor in my belief; and this I will profess to all the world, and if either my Lady of Suffolk [Frances Howard's mother] or the Lady herself shall rest unsatisfied, I will be ready to tender as much to their Ladyships, and to say the same which now I write to your Lordship. And for my Lady of Essex if only I might be freed from her ill will for time to come, there shall be no man readier to respect and honour her than myself; and so, with inexpressible thanks to your worthy Lordship for the favour I have received from you, I rest.

Your Lordship's most obliged servant to command.

THOMAS OVERBURY

From the Tower, 24th of August, 1613.

³¹² Harl. MS., 7002, fol. 281.

Copy of Sir Thomas Overbury's second letter to the Lord Chamberlain (Thomas Howard)
in Henry Howard's handwriting
(August 25, 1613) ³¹³

Right Honourable and my very good Lord.

Your Lordship's so clear and hearty acceptation of my service, so that now I am bold to account myself as one of yours, has [OMITTED] settled my thoughts as I am confident they shall never be again removed; only my grief is that unhappily I have been a stranger this long unto your Lordship. I have returned here my letter again aforesaid, and for the contents which engage me, let me perish if I be not as faithful servant between your two Lordships as to my own soul, and do conceive to foresee that knot so near tying, which I am confident it will not [be] in the power of man to dissolve; and, for my endeavour therein, that it shall not be in the power of any to divert me, my Christianity lives on it.

My Lord, give me leave as your servant to make this only request that whereas your Lordship says it will be a work of some time, ³¹⁴ that your Lordship will be pleased, as much as in you lies, to shorten that time, which I crave of your Lordship not only for my liberty itself, but principally for my health sake; for though my disease [consumption] be gone, yet the piercing air and solitariness of the place will not suffer my strength to grow but slowly, which change of air will quickly recover, and as soon as I am out, and may be so happy as to speak with your Lordship in any private place that your Lordship may appoint, I am confident I shall give your Lordship a testimony that I intend to do your Lordship faithful service. This request I was bold to impart [to] your Lordship, knowing that your noble nature could have some care of a weak man, add to that a prisoner. So withal taking leave, I rest.

Yours faithfully till death.

THOMAS OVERBURY

From the Tower, 25th of August, 1613.

The same day, Elwaies, no doubt under Overbury's request, adds to the latter's flattery as seen in his letter which follows. The only peculiarity about the letter is that it was written in Henry Howard's handwriting, and may have been written without the knowledge of Elwaies, who was just a mere pawn in their scheme.

³¹³ Harl. MS., 7002, fol. 281.

³¹⁴ Thomas Howard had mentioned in his previous letter that Overbury's release will take some time.

Sir Gervase Elwaies to Thomas Howard**(August 25, 1613)**

Your Lordship's letter was so welcome as he [Overbury] could not contain himself for joy, and now no remedy but he will send the first wherein he gave that assurance, which he would have you to keep, he hopes your Lordship will be so active in his business [release] as his desires shall have a speedy end, which the rather he desires that he may that of his part which above anything in the world, and doubts not but presently to give such a beneficial testimony of his affections as your Lordship shall not think you have bestowed your favour on one unworthy.

So I humbly take my leave.

Some disagreement must have occurred in the meantime between Overbury and Weston as Lidcott tells us in his following letter. It is singular to read that Weston will not "convey no more letters" to Overbury; we were told these letters were sent in tarts and wine. Perhaps Monson's strict authority had an effect at this point, and Elwaies did not deliver the tarts and wine to Overbury, so the latter's letters were now being delivered by Weston.

Sir John Lidcott to the Earl of Somerset**(August 27, 1613)** ³¹⁵

Right Honourable and my very good Lord,

I received a letter from your Lordship, sent me by my Lord of Northampton. [Henry Howard.] According to your Lordship's directions therein, did I immediately send to my brother[-in-law], who I find to be very well satisfied therewith. The other letter, which you sent by his man [Lawrence Davies] was presently, although with very great difficulty, delivered to him, before the coming of your Lordship's last letter.

We cannot as yet persuade the keeper [Weston] to bring an answer from him, by reason of some late falling out between them, whereupon Weston has vowed to convey no more letters for him. And besides the Lieutenant [Elwaies] has within these four days had him in very strict examination about his delivery of letters, which jealousy of the Lieutenant's the keeper thinks has grown out of something that my brother[-in-law] has touched upon in

³¹⁵ Harl. MS., 7002, fol. 281.

discourse with him, which perhaps savours of some intelligence; but I doubt but within [a] few days this vow of the keeper will be past over as many before have been. My brother[-in-law] has been lately very ill but is now well again. I am very sorry to hear your Lordship has been sick, but I hope the worst is past, and that your sickness will be the cause of better health, for which I shall ever heartily pray and will be always ready at your Lordship's command.

Your Lordship's humble and most affectionate servant.

JOHN LIDCOTT

Westminster, 27th August.

Henry Howard has his own problems, because he fell ill. He does not however avoid in his following letter to inform Somerset of Overbury's reformation, which corroborates our claim that all were certain Overbury had by now been reformed.

Henry Howard to the Earl of Somerset ³¹⁶

Sweet Lord,

I am infinitely glad that my fortune was to break off in this place upon hope of the Lieutenant's [Elwaies's] morning visitation. For this medicine of my Lord Chamberlain's [Thomas Howard] has purged choler, as the doctors say, to the very dregs; and according to a maxim of astrology, *Mutata hora mutavit fatum*, [you can't change fate,] and the wind blows favourable out of a better angle. The melancholy doubts, upon delay, are vanished.

My Lord, worthy dealing is magnified and resolute effects of his part are engaged and promised. The Lieutenant [Elwaies] is the man whom Sir Thomas Overbury vows to magnify above all the worthy friends of the world for the sound advice he gave, and in comparison of his skill that has absolutely cured his *flatus hypocondriacus* [elevated hypochondria] by true friendship and effectual receipts, all physicians, even Macoran [Mayerne or Maier?] himself, is an empiric. [quack.] His course shall be henceforth to put out his whole strength by the interest he has in your Lordship to fasten this knot of true friendship between your Lordship and my Lord Chamberlain. [Thomas Howard.]

³¹⁶ Harl. MS., 7002, fol. 281.

Marry; much depends upon his speedy delivery, for he knows this [OMITTED] has strong opposites. His heart is now at ease, and contrary to my expectation, I confess, knowing the man's violent and rash desires, he commends my nephew's [Thomas Howard's] discretion in undertaking and promising no more speed for accomplishment of this worthy work than he knows his credit may obtain, for he does acknowledge that impressions in Prince's mind that have been long in festering crave time to be cured.

One word fell from him that a good while since he was of the mind that such a course as his must only make all well, but he was crossed of his ends by the passions of others that would never look about when they shall see what difficulties are overcome without his industry.

* * *

Bacon presented different letters at Somerset's trial, which extracts only remain as given in the State Trials. Bacon noted that these letters were sent from Henry Howard to Somerset the same time the former sent the above letter. We do not have Somerset's answers to these letters, because as he tells us, before he was committed into custody, he burnt his responses; he did not see anything wrong in Henry Howard's letters, hence he did not throw them into Jacobean flames.

The first extract Bacon presented from Henry Howard goes as follows: "I yesterday spent two hours in prompting the Lieutenant, with as great caution as I could, and find him to be very perfect in his part. And I long exceedingly to hear his report of this adventure."³¹⁷

Somerset's response to this letter at his trial was: "Whereas my Lord of Northampton writes in one of his letters, that he had 'prompted the Lieutenant;' I conceive his meaning to be, that he should endeavour to make Overbury be a good instrument betwixt my Lord of Suffolk [Thomas Howard] and me; and to that end, those whom he thought to be his principal enemies should be the only causers of his freedom. And what I understand by Elwaies's conclusion, which my Lord of Northampton relates in the end of one of his letters to me, that death is the best way; I wish that my answers to those letters were now to be seen; and if I had ever thought that those letters of my Lord of Northampton's would be dangerous to me, it is likely I would never have kept them."

³¹⁷ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

The next two extracts of letters were again from Henry Howard to Somerset; the first being, “you need not use many instruments, so long as I am in town, with the Lieutenant;” and the second being, “I cannot deliver with what caution and discretion the Lieutenant [Elwaies] has undertaken Overbury. But for his conclusion, I do and ever will love him the better; which was this: That either Overbury shall recover, and do good offices betwixt my Lord of Suffolk [Thomas Howard] and you, which if he do not, you shall have reason to count him a knave; or else, that he shall not recover at all, which he [Elwaies] thinks the most sure and happy change of all; for he finds sometimes from Overbury many flashes of a strong affection to some enemies of his.”

Somerset noted that all these letters were indeed from Henry Howard; “and all those that I sent to him were delivered [to] me after his death [June 15, 1614,] by Sir R. Cotton; all which the evening before my commitment to the Dean of Westminster, I burnt.”

Somerset does not explain why he burnt his responses, but it would be a second time he confiscates letters while still holding the Seals of England. The first was on October 16, 1615, when he directed and sent a “pursuivant, accompanied by a Constable [George Errat] and a locksmith,” to the house of Weston’s son (William) with a warrant “to search for bonds and writings concerning Mrs. Hynde,” under the pretense of which, “divers writings concerning Anne Turner” were seized and carried away.

This Mrs. Hynde was Anne Turner’s sister.

Two days after Henry Howard’s last letter to Somerset, a letter from the correspondence between Larkin to Pickering tells us how “Overbury is likely to run a short course, being sick unto death. The Lieutenant of the Tower, together with the physicians who were with him, have subscribed their hands that they hold him a man past all recovery.”³¹⁸

Larkin’s letter was written on August 29, 1613; two days later, Mayerne states that he “understands the prisoner is ill, and vomits; can do but little for him at a distance.”³¹⁹

Sometime before we hear of Overbury’s death, Digby is still in Madrid digging deep to secure the list of Spanish pensioners at King James’s command; and Lidcott, having secured a warrant from Henry Howard “and some other Counselors,” went to see Overbury. This is what he said at Somerset’s trial: “I found him [Overbury] very sick in his bed, his hand dry, his speech hollow. And at this time he desired me to write his Will; I proposed to come to

³¹⁸ State Papers, James I., Dom.

³¹⁹ Ibid.,

him the next day. Now being ready to depart, the Lieutenant going out before, Overbury asked me softly this question, whether Somerset juggled with him or not? But I then told him, as I believed, that I thought not. But the Lieutenant looking back, and perceiving that some whispering had passed, swore that I had done more than I could justify. But afterwards, coming to press my Lord of Somerset about Sir T. Overbury, I perceived he dealt not plainly with him. And once speaking with my Lord [Somerset] about him, [Overbury,] he gave a counterfeit sigh, (as this deponent conceived) for at that instant he smiled in my face.” ³²⁰

A man called Geffrey Questor was “sworn openly in Court and testified that about the latter end of summer was 2 years [1613] he met Franklin and went to drink a pint of wine with him, and falling into speeches with him said he was sorry that his Master’s son [Frances Howard’s husband] should have such a disgrace put upon him to be divorced as a man not able to give his wife contentment. Thou art a fool, said Franklin, these hands had actions in all those businesses. But, said Questor, how do you think that God will bless you then. Let them talk of God (said Franklin) that have anything to do with him. I am favoured by great persons, and they will bare me out in all. If you have any suite let me but have a share, and see whether I cannot effect it for you at Court.” ³²¹

Individuals such as Franklin were allowed to purchase or acquire potent material, would be from ancient times, when in ancient Greece and Rome, those called being an Apothecary were found at Royal Courts and in the houses of eminent people who prepared for the table various preserves, particularly fruit incrustated with sugar, and who on that account may be considered as confectioners. By the Jacobean era, an Apothecary was now selling drugs used in medicine, and prepared from them different compounds according to the prescriptions given by so-called physicians. Of English Apothecaries we know nothing more than what has been stated by Anderson (historian) who says that King Edward III, in the year 1345, gave a pension of sixpence a day to Coursus de Gangeland, an Apothecary of London, “for taking care of and attending his Majesty during his illness in Scotland; and this is the first mention of an Apothecary in the *Foedera*.” ³²² It appears that the Apothecaries of

³²⁰ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

³²¹ Cal. S.P. Dom., 1611-18.

³²² *History of Commerce*, Vol. I., p. 319.

London did not begin generally to prescribe as well as to dispense medicines until a few years before the close of the seventeenth century.

It is unknown what Somerset was doing whilst Overbury was now certain he was going down; we only know what the King was doing. He was finally dealing with the serious matter of Spanish pensions, which involved a Howard and his late Lord Treasurer, Sir Robert Cecil. Perhaps this matter which came to the King's attention, now in full force after four months of Digby's delving, had the Howards and Somerset neglect Overbury for a while, and forever.

Sir John Digby to King James

(September 9, 1613)

May it please your Most Excellent Majesty.

Did not the content of doing your Majesty faithful and honest service, oversway [overweighs] all other respects, I should write this dispatch with some grief and sorrow, being therein to set down particulars of prejudice and stain to a person, the opinion of whose worth and integrity may perhaps be of greater weight than any advertisements, and to whom I acknowledge I have had obligation. Further, I must give warning that some others be narrowly looked unto, and thereby cause jealousies and suspicions, which is an unwilling and displeasing office, did not my duty to your Majesty make all things pleasing that tend to your service.

There has been no care or industry omitted for the discovery of the pot of roses. [Spanish pensions.] But it has not pleased God to give so perfect success thereunto as I hoped for, in regard that some of our engines were not well made. Yet so much has been attained unto, that did not the hope of a perfect work diminish and lessen the esteem of anything that falls short of expectation, I doubt not but your Majesty would judge that which is already done to be of more than ordinary consequence.

The first part of this dispatch will concern a person, who, though he be already giving (I doubt) a fearful account to the Sovereign Judge of all things of his unjust service to your Majesty, yet because many roots of him may be yet living underground, and that, by revealing of the principal, his remaining instruments may be detected, I durst [dare] not so far dispense with my duty towards your Majesty upon any regard as not to make you exactly acquainted with all the particulars that are come to my knowledge.

I conceive your Majesty will think it strange that your late High Treasurer and Chief Secretary, the Earl of Salisbury, [Robert Cecil,] besides the *Ayudas de costa*, as they term them, which are gifts extraordinary upon services, should receive 6,000 crowns yearly pension from the King of Spain.

I would not write it unto your Majesty, did I collect it only by slight circumstances. But the probabilities are so pregnant, as (to me that only see them without knowing how far we may have acquainted your Majesty and procured your connivance) they convince my belief of his being an unworthy servant to your Majesty.³²³ I shall set down all the particulars that induce me hereunto, leaving it to your Majesty to make that judgment of him, as by the knowledge of these, and other things (unknown perhaps to me). Your Majesty's wisdom will be able to do with most truth and certainty.

First, I find in a letter of the Conde de Villa Mediana, bearing date February 21, 1605, that, whereas there is assigned to *Beltenebras* [cipher name for Cecil] 4,000 crowns per annum, as to divers others, he finds him so useful to the King of Spain's service, for the great hand he has in the government, and the power with the King of England, that he holds it fit that the pension of *Beltenebras* be augmented to 6,000 crowns at the least. In conformity whereof he receives the King of Spain's answer by his letters, bearing date May 17, 1605.

Zuniga, in his letters of June 8, 1609, writes that it was intimated unto him from *Beltenebras* that he would be well pleased that his pension should cease, and that his services might be recompensed by the piece. Which, the party upon conference intimated to grow, for there had been some slowness in extraordinary reward. And that he thought *Beltenebras* conceived it to be, because they in Spain (it should seem) held him sufficiently content with his pension, which he would have little esteem if he had not extraordinariness.

To this letter the King of Spain answers by his of September 2, 1609, written in Segovia, that in any case he give all contentment to *Beltenebras* in any fashion and manner that himself shall desire. And that according to what he shall advise to be fit, shall be remitted unto him.

So that hereby it appears that from the year 1604, in which the peace was concluded, until the year 1609, his [Cecil's Spanish] pension was continued, and then further order

³²³ Digby's comment, that Cecil had been an "unworthy servant" to King James, is unfair; if it was not for Cecil's trickery, James would never have been appointed to the English throne with such ease.

given for his full satisfaction in that sort as should best like him. It now remains that it appears that this *Beltenebras* was the Earl of Salisbury, [Cecil,] which may be easily gathered by the following passages.

First, by the description of his authority in the government of the State, and his power with the King, in the letter above-mentioned of the Conde de Villa Mediana for the augmenting of his pension.

Velasco, in his letters of February 20, 1612, writes that of late from *Beltenebras* he received no advice of consideration, and that he is at present in great danger of death. He likewise writes, in his letters of April 14, 1612, that there is arrived a Secretary from Florence, who brings a certain offer of the portion to be given, and has made promises of 100,000 crowns to *Beltenebras*, in case he procures the effecting of the marriage.³²⁴ Zuniga writes, at his last being in England, in his letters of June 2, [1612,] that, since the death of *Beltenebras*, the match for Florence has grown cold. For he was the only furtherer of it. Zuniga, at his last being in England, likewise writes, in his letters of July 10, [1612,] that there were certain Commissioners appointed to see in what state the King of England's treasure was left by *Beltenebras*.

But that which makes it apparent, and past conjecture, is that my confidant friend [Santander] assures me to have seen and had in his custody a letter written by Zuniga in March last [1612] (a little before the departure of Don Diego Sarmiento de Acuna)³²⁵ to the Secretary of State [Cecil], who required him to advertise what he held fitting concerning the payment of the pensions. To which he made answer that, at his coming away out of England, he left a perfect note, what was to be 'done, with Velasco.' Wherein he knows little to be altered, but that the 6,000 crowns pension of the Earl of Salisbury has by his death ceased.

Sending this letter but from his lodging to the Secretary, it seems there was no need of cipher, or disguise, little fearing it should light into the hands where it has. And hereby your Majesty sees it has pleased God to clear this riddle. I have hitherto set down what I can allege against my Lord of Salisbury. Your Majesty may also be pleased to give me leave to write what I can collect, that may in any kind make for him.

³²⁴ This was one of the marriage negotiations made for Prince Henry with a daughter of Savoy. Here Raleigh advised the Prince to remain single for the time being, then later think about marrying the King of France's younger daughter, the Lady Christine, and not the daughter of Savoy as his father was recommending.

³²⁵ Spanish Ambassador.

Before his [Cecil's] death, I find that Velasco advertised that he cannot attain to that certain knowledge of things as had been formerly done, for that *Beltenebras* of late, gave him no advertisements of consideration as to which there might be credit given. Further, Velasco (diverse months, as well before my Lord Treasurer's death as since) has given hither very false and ridiculous advertisements, which Velasco could not have done [if] my Lord of Salisbury had dealt confidently with him.

Besides, I have observed in these later times whether it were out of cunning or not (I am not able to judge) a great adverseness and hatred in my Lord Treasurer to the businesses of Spain, so that it may be probably, or, at the least, charitably conjectured, that my Lord (at the first conclusion of the peace, when only the furthering of the maintenance thereof was expected from him, and since whilst the hope of some match with Spain was kept on foot) did take what he received for the assisting of those good ends of firm peace and nearer alliance; but having of late discovered that the King of Spain did not really intend any such alliance, and likewise seeing, by many arguments, the sincerity of his friendship might justly be doubted of, he withdrew his former inclination and affection towards the Spanish King and State; yet it may be he was content to receive their money and to put many tricks and untruths upon them.

I write this unto your Majesty by way of declaration, and not by way of excuse, for no circumstance can make his proceedings excusable or free from the name of falsehood and treachery unless he freely acquainted your Majesty with all that passed, and that your Majesty were contented not to be displeased that the Spaniards should be cozened. [tricked.] I will only add one thing more concerning my Lord of Salisbury, and so come to the other particulars whereof I am to speak.

My confidant friend [Santander] tells me that he knows that some of the letters which myself have written, and copied, of many of them have been sent hither, and that the procuring of them cost great sums of money. Your Majesty may be pleased to call for all my dispatches to such as had the keeping of my Lord Treasurer's papers, and that they may be conferred with the particular note, which I send by this bearer, of all such dispatches as I have written since my coming into Spain. Thereby, it will be seen what originals are wanting, and it may be, I shall be able to make some good use thereof, for I already know so much of these things, that sometimes a petty circumstance clears a great doubt.

Before I begin the second part of this dispatch, I must humbly crave your Majesty's permission to utter some few words by way of apology, for that I well understand how ill it befits a gentleman or an honest man to put jealousies into the head of Princes against their Ministers, upon circumstances that have not strong probabilities; but when the present danger or inconvenience will not fittingly admit of the delay which is requisite for the sifting and clearing of those suspicions, which are not without cause conceived, I then suppose that the prejudice of particular men is rather to be adventured than your Majesty's service or safety in the least manner hazarded. And this is now the case; for I see a person employed in your Majesty's service in a place of so great consequence and trust, and that in times of danger, if he should be disloyal unto your Majesty, might have so great power to do hurt, being indeed one of the guards of your kingdom, as may well excuse my giving your Majesty a caveat to have him carefully looked unto, although my suspicions are not yet come to certain and direct proof. The party is Sir William Monson, ³²⁶ Admiral of the Narrow Seas, whom by diverse circumstances and collections I gather to be a pensioner to the King of Spain, as I fear (before long) I shall plainly make it appear unto your Majesty. Further, I find in a note that has come into my hands (which though it be imperfect, your Majesty may give credit unto it, and likewise be pleased to hear divers particulars concerning it from this bearer, my secretary) that at the time when the Conde de Villa Mediana came from England, the King of Spain bestowed every year, in pensions in the English Court, the sum of 36,500 crowns, and that four of the said pensions being suspended, which amounted to the sum of 6,000 crowns, there was order left unto Zuniga for the payment of 30,600 [*sic*] crowns yearly amongst the other ten whose pensions were continued.

Now, considering that these persons must of necessity be of extraordinary rank and quality, since to my Lord of Salisbury himself there was given only 6,000 crowns per annum of certainty, I could not satisfy mine own conscience in regard of the faith I owe and will ever perform unto your Majesty, but that I should highly fail in my duty towards you, if in this conjuncture, when your Majesty is upon the point of making choice of your Secretary and other great officers, I should not give your Majesty this warning. And if I may presume so far, in a matter of so great consequence, to write anything by way of advice, I should, with all humility, counsel your Majesty that since you have by God's providence and your own

³²⁶ Brother to Thomas.

wisdom so long suspended the choice of your officers, you would yet be pleased for a while to forbear it, until some clearer light be had of these mysteries.

Your Majesty has ever (I hope) found in me that wariness in my advertisements as not to give your Majesty unnecessary alarm or to cast jealousies on the persons of any men. Neither would I (in a case of this importance, which belongs not to me to speak of) adventure to write in this manner unto your Majesty, were I not induced by such reasons and circumstances, though they are not yet ripe to be presented unto your Majesty as formal accusations, yet they are such against some that are not of the unlikeliest men to be called to the places vacant, as will not only make my suspicious justifiable, but they put on me an obligation to give your Majesty this item.

The double ciphers your Majesty may conceive cannot but make things very intricate, yet circumstances will give some light, so that there may be very well afforded unto me causes to suspect, when there shall not be sufficient appearances for me to accuse, wherein it befits an honest man to proceed with slowness, and much certainty, if it be not for the preventing of present inconvenience.

* * *

Two final letters were sent from Overbury to Somerset in the month of September 1613. The first shows Overbury's disbelief that he is still a close prisoner.

Sir Thomas Overbury to the Earl of Somerset
(September 1613) ³²⁷

Though you may not take notice directly, yet you may say, 'Sir, after so many promises you will not deal indirectly with me. I should be sorry to see that in your disposition.' Then say, 'Sure you have been abused in some tale; in that, you will find yourself pitifully abused.' So, far off, you may shame him out. What censure had Ramsey here? What censure had *Pierpoint* [Sir William Waad] for the key? ³²⁸ O, this is strange! ³²⁹ You must arm the two Lords with these particulars, especially those public partialities of Du; [Duke of Lenox]; Max; [Maxwell]; Ramsey. If this fail, there is no way left but immediately upon the refusal and

³²⁷ Harl. MS., 7002, fol. 281.

³²⁸ Overbury talks of when Waad was accused of giving a key to Arabella Stuart, which opened her cell.

³²⁹ It looks like Overbury finally understood that his imprisonment was a permanent one.

breach of promise. To [sickness trick] for a week. That is the last refuge, and your reason is honest, for my fever grows so upon me anew that by God, if you leave me here a week longer, I think I shall never see you more; for the fever will never leave me while I am here.

The second letter of September 1613 has some words on the back in Coke's handwriting: "Copy Overbury letter to Roch[ester]." When one notices the difference in style and mannerism of the letter, from all other letters Overbury wrote to Somerset, and that this letter is in the Cottonian manuscripts as opposed to the Harleian and Sloane manuscripts where all of Overbury's letters are; Coke's authorization that it is a letter written by Overbury, is believed with some caution.

Sir Thomas Overbury to the Earl of Somerset

(September 1613)³³⁰

This paper comes under Seals, and therefore shall be bold to speak to you as I used to do myself. I understand that you told my brother[-in-law Lidcott], that my un-reverent style should make an alienation betwixt you and me hereafter; at least such a one, as we should never be as we had been. With what face could you tell him that you would be less to me, to whom you owe more than to any soul living, both for your fortune, understanding and reputation? One who lost his fortune with *Ignati*, entered into a quarrel with Niger, suffered five months banishment, and now five months miserable imprisonment; and now to make so poor a pretence to say you will alter toward me for the style in my letters?

Alas! This shift will not serve to cover your vow: Your sacrificing me to your woman, your holding a firm friendship with those that brought me hither and keep me here, and not make it your first act of any good terms with them to set me free and restore me to yourself again. And you bid my brother[-in-law] keep your intent secret, that you might steal away with your wickedness.

³³⁰ Cotton Library, Titus B. VII.

[The above does not coincide with Overbury's previous letters. Somerset knew Lidcott would not keep his intentions a secret from Overbury; yet, tells Lidcott he intends to back off from Overbury. Furthermore, Lidcott told us at Somerset's trial, "Overbury asked me softly this question, whether Somerset juggled with him or not? But I then told him, as I believed, that I thought not."]

But that shall not be; you and I will come to a public trial before all the friends I have. They shall know what words have past betwixt us heretofore of another nature than these; and I pray you keep you my letters that they may see how much I forgot your Lordship in my style. I shall be upon the rack, you at your ease negligent of me, and I must speak calmly. If Hector of the Harlaw be so infamous for betraying a stranger, your story shall be put down to betray, and so quit a friend.

But now I will confess [to] you, so soon as I perceived how little (never name Love) human affection, how little compassion, (no, not so much as the Colt in Enfield Chase) when I heard how notwithstanding my misery you visited your woman, frizzled your head never more curiously, took care for hangings, and daily were solicitous about your clothes; officious in waiting could prefer your cousin and Gibb, held day-traffic of letters with my enemies, without any turning it to my good; sent me nineteen projects and promises for my liberty, then at the beginning of the next week sent me some frivolous account of the miscarriage of them and so slip out of town; and all this ill nature showed by the man, whose confidence tells him that trusting him brought me hither, and by him that conveyed all my service to Julius, and made himself valued by his master for it, and my share to be a prison[er] upon such terms that never man suffered yet; nay, knows that what he speaks and writes hourly is mine, and yet can forget him, that showed that in him, and upon whose stock he spends. Nay, forget him betwixt whom was nine years Love, and such secrets of all kinds have passed, and in the noyance, [injury,] my father and my mother languishing for me.

[Overbury met Somerset in 1601; it was an acquaintance of twelve years not nine as this letter states. Perhaps whoever wrote this letter to be presented against Somerset did not know the exact year when Overbury and Somerset's friendship began. It is a pity Somerset was not asked if this was indeed a letter sent by Overbury.]

My soul wishes she might but lie upon the boards to bear me company. My brother[-in-law] lied overthrown by it, his Aunt discharging him from her house, which saved £300 a year. And he that is the Author of ally and that has more cause to love me, yea perish[es] for me rather than see me perish, to stand stupid and lest a jot of anything that concerns himself go on and make much of one; nay, let my enemies play upon me, send for tickets under my hand; so that by God since I came in [prison] I have not found the advantage of a straw, by not so much as a servant in my extreme sickness, nor my friends free to speak my last words to.

When I had observed this, the bitterness of my soul cannot conceal itself in letters. And that this wickedness may never die, I have all this vacation wrote the story betwixt you and me from the first hour to this day.

What I found you at first, what I found you when I came; how I lost all the great ones of my country for studying your fortune, reputation, and understanding; how many hazards I have run for you; how many Gentlemen for giving themselves to you a stranger, are now left to the oppression of their enemies; what secrets have past betwixt you and me; and then for the last part, how when you fell in love with that woman, as soon as you had won her by my letters, and after all the difficulties being past, then used your own [words] for common passages; then you used your own and never after; but denied, concealed, and juggled betwixt your man [meaning Overbury] and yourself; and upon that cause there came many breaches at Huntington and Newmarket, and after at Whitehall. ³³¹ Thereupon you made your vow that I should live in the Court, was my friend, and many oaths which are now fulfilled; stayed me here when I would have been gone and sent for me twice that day, ³³² that I was caught in the trap; and long intending in your thoughts long ago a marriage with that woman denied, since me to enquire of her; would speak ill of her yourself; and having been now two months reconciled to a league, not to have first, upon those hopes of theirs, made sure my liberty and return; and now at last, when we may easily live the rest of our life in peace, and enjoy the remembrance of troubles, now you leave me out, and take an occasion upon un-respective language to say, you will never be to me as you have been.

³³¹ Overbury allegedly says he would write love letters for Somerset; therefore, it is from this letter which contemporary writers have taken that Overbury used to write Somerset's love letters to Frances Howard. No other letter of Overbury's states this.

³³² This alludes to when Overbury was visited by the Archbishop Abbott, Thomas Howard and Pembroke in regards to the appointment of Ambassador in Russia.

All these particulars I have set down in a large discourse, and on Tuesday I made an end of writing it fair, and on Friday I have sealed it up under eight Seals, and sent it by a friend of mine whom I dare trust, taking his oath not to open it. ³³³ I send to him, and then to all my friends Noble, and Gentlemen and Women, and then to read it to them and take copies of it, and I vowed to have wrote the truth. This I think you will not deny a word. So thus if you will deal thus wickedly with me, I have provided that, whether I die or live, your nature shall never die, nor leave to be the most odious man alive.

* * *

For the next six days after Digby's letter to the King in regards to the Spanish pensions, nothing is written from the Tower and we find nothing written to the Tower; total silence. To us, researching this case, this seems extraordinary that total silence veils this period.

Since May 1613, Digby is in correspondence with the King relating to him his discovery of the Spanish pensions; this is just a month after Overbury is imprisoned in April 1613. In addition, we know Overbury used to open secret Ambassadors' dispatches, including the King's, because Bacon boasted about it too many times at Somerset's trial, trying to prove Somerset and Overbury were traitors. Upon these facts, we put up a very simple supposition, which could turn out by the end of this research to be fact and backed up with evidence.

It is possible Overbury discovered the names of those Spanish pensioners whilst opening Ambassadors' dispatches; it is also possible he began to blackmail those on the list; and, it is highly probable he hinted about it to the King when offered the Ambassadorship position since it was beyond doubt Overbury wanted the King to back off.

Would the King have been furious with Overbury? Of course he would; and, "like a stroke of thunder," as Sir Henry Wotton wrote on April 22, 1613, the King casts Overbury in prison and left him there to rot.

Since Digby's letter was written on September 9, 1613, the King could have received it within a day or two; from France the usual dispatches were delivered within the same day.

³³³ Nowhere in the Overbury literature of the case has any such discourse been mentioned or discovered; nor has it been mentioned which "friend" this was that Overbury gave the discourse to. Neither was this discourse mentioned as "evidence" in Somerset's trial. It tends to lean on a fantasy of the writer.

To allow for a day this letter was received, till the next we hear of Overbury, no letter is sent to him, no letter is sent from him, at least no letters that have been made public.

Overbury's death was vital to many.

The King's interest to have Overbury dead could have been from knowing of the Spanish pensioners and having set up with Overbury and Somerset some blackmail scheme, to being privy of Prince Henry's death by poison.

Somerset's motives are no less important.

So when Overbury finally dies, no one could care less as Chamberlain to Carleton tells us in their correspondence of September 15, 1613: "Sir Thomas Overbury died, and is buried in the Tower. The manner of his death is not known; for that there was nobody with him, not so much as his keeper; [Weston;] but the foulness of the corps gave suspicion, and leaves aspersion, that he should die of the pox ³³⁴ or somewhat worse. He was a very unfortunate man; for nobody almost pities him, and his very friends speak but indifferently of him."

Remember reader: Upon Overbury's death at the Tower, it is registered as being by poison; the registers were not tampered with since then. Now, let us read how Welldon says Overbury died: "These two villains [Franklin and Weston] came into Overbury's chamber and found him in infinite torment with contention between the strength of nature, and the working of the poison, and it being very like nature had gotten the better in that contention, by the thrusting out of boils, botches, and blains, they fearing it might come to light upon the judgment of physicians that foul play had been offered him, they consented to stifle him with the bed clothes, which accordingly was performed, and so ended his [Overbury's] miserable life with the assurance of the conspirators, that he died by poison; none thinking otherwise, but these two murderers." ³³⁵

Welldon says he took the above version of Overbury's death from Weston and then Franklin's arraignments, when "both confessed that Overbury was smothered to death, not poisoned to death, though he had poison given him." The suspicious circumstance is that none of Franklin's examinations taken before his trial are longer extant; so what Welldon reports is left open for debate and cannot be discredited that easily.

What is important to keep in mind, is that once the King had Digby's assurance of who the Spanish pensioners were, though no mention of Overbury being one, the latter dies after

³³⁴ This was circulated by Henry Howard.

³³⁵ Sir Anthony Welldon, *The Court and Character of King James I*, 1650.

having assurance of his release from August 1613. And Digby sends another letter to the King, showing in some sneaky way, Digby had opened and read the Spanish Ambassador's correspondence and forwarded the information he read to King James.

Sir John Digby to King James

(September 22, 1613) ³³⁶

The Spanish Ambassador has sent home the following particulars of the English Court. That the King [James] grows too fat to be able to hunt comfortably; spends much time in reading, especially religious works, and eats and drinks so recklessly that it is thought he will not be long lived; he is obstinate in his religious opinions; his chief favourites are Scotchmen, and especially Somerset. That the Queen [Anne] leads a quiet life, not meddling with business, and is on good terms with the King. That the Prince [Charles] is a fine youth of sweet disposition, and, under good musters, might be easily trained to the religion his predecessors lived in.

That the Council is composed of men of little knowledge, some Catholics, but most schismatics or atheists, and the King resolves on all business with Somerset alone, who is no persecutor of Catholics. [Perhaps this is why the Howards adored Somerset.] That the Duke of Lenox and Lord Hay are pensioners of France. [Another scandal on the horizon?] That Catholics are persecuted by the Archbishop of Canterbury and Bishop of London, and by the King, in hope to propitiate Parliament into granting subsidies, and that he may have their forfeitures to give to his servants. This persecution was increased, and a fresh Oath exacted, from the fright caused by the death of the late King of France. That the King has impaired his revenue by sale of his lands, and yet is five millions in debt, and is profuse in his gifts.

The Earl of Northampton [Henry Howard] opposed in Council the calling a Parliament for supplies, because they would censure the King's modes of raising moneys. He intends to raise three millions by sale of the Royal woods and of deer. The shipping, castles, and forts going to decay.

* * *

³³⁶ State Papers, James I., Dom. Spanish Correspondence.

The last section of the Spanish Ambassador's dispatch, "the shipping, castles, and forts going to decay," which was being interpreted to King James by Digby is interesting; and, perhaps knocks out of the sphere of truth to what Hutchinson had said, that "Henry Howard and Somerset had combined with the Spaniards for a sum of money to deliver them up the English navy;" ³³⁷ it would corroborate our evidence we found that Somerset had embezzled the crown jewel; an event we will turn to soon.

Overbury's father at Somerset's trial stated that after his son's death, Somerset wrote him the following letter.

Earl of Somerset to Mr. Overbury ³³⁸

Your son's love to me got him the malice of many, and they cast those knots on his fortune that have cost him his life. So, in a kind, there is none guilty of his death but I; and you can have no more cause to commiserate the death of a son than I of a friend. But though he be dead you shall find me as ready as ever; I was to do all the courtesies that possibly I can to you and your wife, or your children. In the meantime, I desire pardon from you and your wife for your lost son, though I esteem my loss the greater. And for his brother that is in France, I desire his return that he may succeed his brother in my love.

* * *

Henry Howard sends instructions to Elwaies on how to proceed with Overbury's burial:

Henry Howard to Sir Gervase Elwaies ³³⁹

Worthy Mr. Lieutenant,

My Lord of Somerset desiring to do the last honour to his deceased friend, requires me to desire you to deliver the body of Sir T. Overbury to any friend of his that desires it, to do him honour at his funeral. Herein my Lord declares the constancy of his affection to the dead, and the meaning that he had in my knowledge to have given his strongest strain at this time of the King's being at Theobalds, for his delivery. I fear no impediment to this honourable

³³⁷ Hutchinson, *Memoirs of Colonel Hutchinson*, (London: Bohn's edition, 1854).

³³⁸ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

³³⁹ Winwood's *Memorials*, Vol. III., p. 480.

desire of my Lord's but the unsweetness of the body, because it was reputed that he had some issues, and, in that case, the keeping of him above must need give more offence than it can do honour. My fear is also that the body is already buried upon that cause whereof I write; which, being so, it is too late to set out solemnity.

This with my kindest commendations I end, and rest.

Your affectionate and assured friend.

H. NORTHAMPTON

Postscript: *You see my Lord's earnest desire, with my concurring care, that all respect we had to him that may be for the credit of his memory. But yet I wish withal, that you do very discreetly inform yourself whether this grace had been afforded formerly to close prisoners, or whether you may grant my request in this case, who speak out of the sense of my Lord's affection, though I be a Counselor, without offence or prejudice. For I would be loath to draw either you or myself into censure, now [that] I have well thought of the matter, though it be a work of charity.*

On the back of the above letter are the following words in Elwaies's handwriting: "So soon as Overbury was departed, I writ unto my Lord of Northampton, and because my experience could not direct me, I desired to know what I should do with the body, acquainting his Lordship with his issues, [gaping wounds,] as Weston has informed me, and other foulness of his body, which then was accounted [to] the pox. My Lord wrote to me, that I should first have his body viewed by a jury; and I well remember his Lordship advised me to send for Lidcott to see the body, and suffer as many else of his friends to see it as would, and presently to bury it in the body of the quire, for the body could not keep. Notwithstanding Overbury dying about five o'clock in the morning, ³⁴⁰ I kept his body unburied until 3 or 4 of the clock in the afternoon. The next day Lidcott came thither; I could not get him to bestow a coffin nor a winding-sheet upon him. The coffin I bestowed; but who did wind him I know not; for indeed the body was very noisome, [offensive,] so that, notwithstanding my Lord's direction by reason of the danger of keeping the body, I kept it over long, as we all felt."

It is uncertain why Henry Howard needed to repeat his directions in another letter which follows of how Overbury's body should be viewed before burial in his next letter. Notice again

³⁴⁰ Richard Weston in his testimony stated Overbury died around 06:30 in the morning.

the mannerism of the letter differs from the first; apart from that, the directions are the same, and notice again that the letter is found in the Cottonian manuscripts as opposed to the Harleian and Sloane collections.

Henry Howard to Sir Gervase Elwaies ³⁴¹

Worthy Mr. Lieutenant,

Let me entreat you to call Lidcott and three or four friends, if so many come to view the body, if they have not already done it; and so soon as it is viewed, without staying the coming of a messenger from the Court, in any case see him interred in the body of the chapel within the Tower instantly. If they have viewed, then bury it by and by; for it is time, considering the humours of that damned crew that only desire means to move pity and raise scandals.

Let no man's instance cause you to make stay in any case, and bring me these letters when I next see you. Fail not a jot herein, as you love your friends, nor after Lidcott and his friends have viewed stay one minute, but let the priest be ready, and if Lidcott be not there, send for him speedily, pretending that the body will not tarry. [remain.]

Yours ever.

In post haste at 12

It is uncertain why Henry Howard (above) thought that Overbury's body would "move pity and raise scandals." As Chamberlain wrote on Overbury's death, "nobody almost pities him, and his very friends speak but indifferently of him;" so why anyone would "move pity and raise scandals" is beyond our understanding. Perhaps Henry Howard was afraid of the death registry in the Tower which recorded the cause of death by poison.

This final letter that follows of Henry Howard's to Elwaies is deemed unnecessary in our opinion. The previous two letters show sufficient instructions on how Elwaies should handle Overbury's body for viewing and burial. Writing once with instructions is a mistake, because Henry Howard had nothing to do with the Tower prisoners and how they would be buried. Writing twice with the same instructions (changing the style to be harsher) is accidental, because again Henry Howard had nothing to do with the Tower prisoners and how they

³⁴¹ Winwood's *Memorials*, Vol. III., p. 48, from Cotton MSS., Titus B. VII., fol. 464.

would be buried. But writing three times with the same instructions and changing the style to be even harsher, shows a pattern of letters that needed to be presented at Somerset's trial.

No one could dispute these letters were written, especially not Henry Howard, because he died before the trial began and Elwaies had already been executed.

Henry Howard to Sir Gervase Elwaies ³⁴²

Noble Lieutenant,

If the knave's body be foul, bury it presently; I'll stand between you and harm; but if it will abide the view, send for Lidcott, and let him see it to satisfy the damned crew. When you come to me, bring me this letter again yourself with you, or else burn it.

NORTHAMPTON

Winwood writes to Carleton on September 28, 1613, telling us Lidcott was refused Overbury's body for burial; but it seems there is some contradiction on this. Elwaies wrote on the back of Henry Howard's first letter of instructions on Overbury's burial, that he "could not get" Lidcott "to bestow a coffin nor a winding-sheet upon" Overbury; and that Elwaies "bestowed" the coffin but did not know who wrapped Overbury's body.

What exactly happened with Overbury's burial cannot be established with certainty; but it gives rise to suspicions if Overbury died in September 1613, as we shall soon see.

The Coroner of Middlesex, Robert Bright, saw Overbury's body. Bright was involved in the Mary Woods's case on October 2, 1613, in the following capacity: "John Chapman of Norwich, co. Norfolk, tailor, and Francis Beoman of Finsbury, cordwainer, for Mary Woods of the same, for cozening [tricking] Elizabeth Barnes of certain money for a little powder in a paper, which powder she undertook the said Elizabeth should have her purpose of musicon [?] by carrying the powder about her." ³⁴³

Sparke remarked how "a great change is said to have taken place in the demeanour of Somerset" about this time; "he neglects his dress and person, and [has] become morose and moody, even when in the King's company. His wanted mirth forsakes him, his

³⁴² British Museum, Cotton MSS., Titus C. VII., fol. 107.

³⁴³ Sess. Roll 526/25; Sess. Reg. 2/22.

countenance is cast down, and he takes not that felicity in company as he was wont to do, but still something troubles him.”³⁴⁴

This description of Somerset’s change is also supported by the King himself in that infamous letter of his sent and written in November 1614, which will soon be given. Somerset’s behaviour is peculiar if we do not know why he acts like this, because he has secured a marriage with Frances Howard who he has been chasing around a four-poster since 1611; he has gained the power of the Royal Court in absoluteness since Overbury is gone; and, he has secured the stolen documents which could have blown him out of the kingdom if made public.

So why do those around Somerset detect “something troubles him”?

Perhaps we will be able to answer this question after we offer our readers the next event which not only substantiates our claim that Overbury stole documents from Somerset’s chambers and was blackmailing Somerset, but that the latter’s “troubles” were not over on this matter, since more documents lay around London ready to bite Somerset’s head off.

On October 22, 1613, only a month after Overbury’s death, another burglary occurs; this time in Chaloner’s house.

King James’s Session Roll

(October 22, 1613)³⁴⁵

Robert Chapman, Richard Edwards and Christopher Preston of St. James’s (Clerkenwell), Yeomen; and of Thomas Pooley *alias* Trunckes of the same, Yeoman, all for breaking into the house of Sir Thomas Chaloner, Knight, at the same, between the hours of eleven and twelve at night, and stealing ten diaper tablecloths worth £5, ten dozen diaper napkins worth 20s., ten Holland shirts worth 20s., seven smocks of Holland worth 20s., three handkerchiefs worth 6s., and nine diaper towels worth 20s., belonging to the said Sir Thomas Chaloner; and of Elizabeth Jones of St Sepulchre’s, widow, Thomas Bramham of Clerkenwell, Yeoman, and Thomas Watson of the same, Yeoman, for receiving and helping the said Robert, Richard and Christopher at the same; and of Dorothy Godsall of East Smithfield, widow, and Mary Tittle [Little] of the same, spinster [woodmonger], for receiving

³⁴⁴ Michael Sparke, *Truth Brought to Light*, Chapter 30.

³⁴⁵ G.D.R. 2/3d, 5, 8d: Session Roll 526/30, 198, 199, 200, 228, 308, 322. Session Roll 527/165. Session Registry 2/26.

and helping them at the same, after the said felony. The said Richard and Christopher guilty, no goods, to be hanged. The said Robert guilty, no goods, to be hanged, respited to prison after judgment.

The said Thomas Pooley, Thomas Bramham, Elizabeth, Dorothy and Mary not guilty. The said Watson guilty, seeks the book, reads, to be branded.

Prosecutors:— Robert Peeters, Richard Wood, servant to the said Sir Thomas Chaloner. Isabel, wife of John Flamston of St Bartholomew's-the-Great, Yeoman, bound over in bail to Abraham Reynoldes of St Sepulchre's without Newgate, Yeoman, for receiving certain of the aforesaid stolen linen.

Sureties for the said Mary Tittle and Dorothy Godsall:— Thomas Banbury of East Smithfield, woodmonger, Nicholas Shoveler husbandman, and Richard Dorrell, sailor, both of the same.

Sureties for the said Elizabeth Jones:— Henry Frenche of St Sepulchres, brewer, Evan Pierse of Clerkenwell, baker, and Evan Fludd of the same, Yeoman.

* * *

There were two Sir Thomas Chaloners that could have been the victim to the above theft: One was Sir Thomas Chaloner ³⁴⁶ an English naturalist and private tutor to Prince Henry who was responsible for introducing alum manufacturing ³⁴⁷ to England and became a Member of Parliament for St. Mawes in 1586 and for Lostwithiel in 1604.

The other Thomas Chaloner ³⁴⁸ was an English politician and one of the Commissioners at the trial of Charles I (King James's second son) and signatory to Charles' death warrant.

This burglary happened October 1613, a month after Overbury died and about a year after Prince Henry's death; is it not fascinating to assume, if you will, or even consider that this burglary was orchestrated to discover and remove further evidence to which Overbury may have placed within Chaloner's possession in regards to the Prince's murder?

We see no other reason why Somerset was seen to have changed just a month after Overbury died, except that it was caused by further evidence he found was lurking around which could have his head on a spike. If Somerset thought he was now safe from further

³⁴⁶ (1559-1615)

³⁴⁷ [<https://en.wikipedia.org/wiki/Alum>]

³⁴⁸ (1595-1661)

evidence, he was very much mistaken. There was still more documents ready to hit him, but these were not in England; they were taken to France by William Reeve.

More on this later.

On November 4, 1613, Somerset is created Baron of Branspeth, “by the specification only in the patent, for that he was formerly a Baron implicative by the dignity and style of a Viscount; and therefore not invested in the robes of a Baron.”³⁴⁹ And this elevation allowed Somerset, on December 26, 1613, to finally marry Frances Howard.

“This wedding,” says Howes (historian) “was solemnized at the Court at Whitehall, and was honoured with the royal presence of the King, the Queen, Prince Charles, most of the nobility, and divers reverend Bishops. The Lord Bishop of Bath and Welles married them, and Doctor Mountaine, Deane of Westminster, made the Nuptial Sermon. And that night there was a gallant Masque.”³⁵⁰

The Corporation of London, the East India Company, the Merchant Adventurers and the Farmers of the Customs all competed with each other in the costliness of marriage offerings: Queen Anna gave silver dishes; Coke presented a basin and covers of silver gilt, and his wife a pot of gold. Another flatterer gave a gold warming-pan; another hangings worth £1,500; another gave a sword worth £500 besides its workmanship of enameled gold, which cost 100 marks; another a cradle of silver to burn sea-coal; another candlesticks worth 1,000 marks; another two oriental pearls; another a fire shovel, tongs, pokers, creepers, and other chimney furniture, all silver. The wife of a Bishop presented the wedding cake.³⁵¹

More mystique was the next gift. Greville states that although Overbury “was kept private, and that no man might have access to him, when hearing of the news of this marriage, and presently, upon hearing of it, sends a letter to Somerset on December 26, 1613.” It is perhaps the only time we come across any written document that states Overbury was still alive by December 1613.

Urged by curiosity, we give the letter.

³⁴⁹ John Nichols, *Progresses*, Vol. II.

³⁵⁰ Ibid.,

³⁵¹ A. Amos, *The Poisoning Of Sir Thomas Overbury*, 1846.

Sir Thomas Overbury to the Earl of Somerset**(December 26, 1613)** ³⁵²

Right noble and worthy Sir,

The former accustomed favours, and absolute promise, concerning my present delivery, have caused me at this time, by these lines, to solicit your Lordship, and to put you in remembrance of the same, not doubting, that your Honour is at all forgetful of me, but only, by reason of my imprisonment, being possessed of a dangerous disease, would, for my body's safety, partake of the felicity of the open air. In which case, if your Lordship please to commiserate my present necessities, and procure me my speedy delivery, I shall not only stand so much the more obliged, but also acknowledge you the defender and preserver of my life.

T. OVERBURY

Remember what Elwaies wrote: He did not see Overbury's body being wrapped up for burial, and Winwood's correspondence stated that Lidcott was not allowed Overbury's body for burial with Elwaies saying Lidcott could not even bestow a coffin. To mount upon these irregularities, three redundant letters are written from Henry Howard urging instructions how Overbury is to be buried. We then have Welldon's account of how Weston and Franklin suffocated Overbury, though poison was given to him. Finally, Overbury's death was attributed to poison in the death registers of the Tower which was dated September 15, 1613.

We now have a letter produced by Sir Fulke Greville (who was not anybody unessential) to have been written December 26, 1613, by Overbury on Somerset's wedding day. If we cannot solve these riddles by the end of this research, then the suspected posthumous letter from Overbury need be buried in solitude.

This year of 1613 closes with Digby requesting license to enter England; the secrets he had gathered so far in regards to the Spanish pensions, was of far too high importance in his opinion to be entrusted to paper. His request to return was granted, and Digby arrived in England during the spring of 1614.

³⁵² Fulke Greville, *The five years of King James*, (London: W.R., 1643).

DOWNFALL & DISGRACE

Let us read what Bacon related at Somerset's trial, which was a brief history of Somerset and Overbury's friendship, and how the nobility of the times saw this friendship: "Overbury, for a time, was known to have great interest and strait friendship with my Lord of Somerset, both in his meaner fortunes and after; insomuch that he was a kind of oracle of direction unto him; and if you will believe his own vaunt, (being indeed of an insolent and thrasonical disposition) he took upon him that the fortunes, reputation, and understanding of this gentleman [Somerset] (who is well known to have an able teacher) [the King] proceeded from his company and counsel. And this friendship rested not only in conversation and business at Court, but likewise in communication of secrets of State; for my Lord of Somerset, exercising at that time by his Majesty's special favour and trust the office of Secretary, did not forbear to acquaint Overbury with the King's packets and dispatches from all parts of Spain, France, and the Low Countries; and this then not by glimpses, or now and then rounding in the ear for a favour, but in a settled manner."

We notice how Bacon wishes early in his narrative to pinpoint where Overbury and Somerset's trust extended, which was to the "communication of secrets of State;" it is unknown where Bacon actually got this information, but he tells us further down, that the information was coming from servants, in particular from two: Simcock, who was Overbury's landlord and Somerset's servant, and another of Overbury's servant, Lawrence Davies.

Somerset corroborated what Bacon was saying and that the "communication of secrets of State" was going on; however, what was done was "by the King's commission," he added. Of course, Bacon did not take the subject any further.

When Simcock was examined, he said he knew Weston from an "ancient and familiar acquaintance," and revealed to Bacon that "Weston had continually access to my Lord [Somerset and] had rewards from him." ³⁵³ At that point, Davies's examination was read. "There was a packet of letters and sealed, which, as he takes, came from Sir John Digby, directed to the King; and his master (Sir T. Overbury) opened it, took brief notes for my Lord of Somerset, and sealing it again, sent both the notes and packet to him. Another of this he saw his master have at Newmarket from Sir Thomas Edmondes [English Ambassador at

³⁵³ State Papers, James I., Dom.

Paris] to the King, out of which, after he had taken extracts, he sealed it up again, and sent both back by this examinant to my Lord Somerset.”³⁵⁴

What Bacon relates above, could easily have been coming from Digby, who suspected his letters were being opened, as he mentioned in his letter to the King, which was given earlier. The same goes for Sir Thomas Edmondson's correspondence.

So involving the servants was pointless.

We are not told the dates of when these “packet of letters” were sent, so it is hard to prove what they contained. However, one could assume that Overbury and Somerset knew well in advance about who the individuals were who had been receiving Spanish pensions; it is very possible they also informed James about it, and some sort of nasty underground blackmail was going on from Overbury, Somerset, and the King against Courtiers and Ambassadors to fill not only their coffers but the royal supplies: “It is melancholy to think how few of the great men of this era could resist bribery; but our surprise is diminished when we contemplate the corruption of an age in which few offices or honours were not sold, and where, as so frequently appears, the most humiliating devices were formed for raising the royal supplies.”³⁵⁵

It is well worth stating that at the time of Lawrence Davies's testimony, being no longer in the employment of Overbury, he had been transferred to the employment of Sir Humfrey May, the King's servant. If Davies was bribed to advance from a simple servant to a position next to the King's servant for his so-called testimony, is very probable since servants were not necessary to be used at the trial to give this evidence. Digby's evidence would have sufficed.

But Davies was needed to further “testify” that it was he who heard Overbury say “that he would have gone Ambassador, but that my Lord of Somerset dissuaded him.”³⁵⁶ At least it explains why servants were used at the trial as “witnesses” to give out these tid-bits, which not only Bacon forced from them, but the entire Court of Law believed in them.

What Bacon could not prove with certainty however was when all this collecting of secrets began, and it would have been interesting and informative if this information was pressed upon. It was not. It seemed Bacon had no other interest only to prove that espionage was at

³⁵⁴ State Papers, James I., Dom.

³⁵⁵ John Nichols, *Progresses*, Vol. III.

³⁵⁶ Ibid.,

hand by the time Overbury was arrested in April 1613. This was imperative for an additional trial to be setup against Somerset, after the Overbury trial was over.

We explain.

Bacon was about to offer “four heads” of proof towards Somerset’s guilt in regards to Overbury’s death, but not for espionage. Notice Bacon’s careful phrasing of terming the treasonable offence of espionage into unfaithfulness: “I shall not charge you with disloyalty at this day; and I lay this for a foundation.”

It is apparent that Somerset, after his trial, would have been indicted for “disloyalty,” which was nothing more or less but the treasonable act of espionage in opening and copying the King’s private correspondence. Why Bacon sprinkles sugar on the act of espionage is anybody’s guess. This second trial would never take place though, because as mentioned earlier and as will be seen further, the King himself was too involved; everything Bacon and Coke had collected as evidence against Somerset and Overbury’s High Treason, was pointing a direct finger at the King; hence it was stopped by royal command.

On March 3, 1614, the King pays a visit to Somerset and his wife at Chesterford Park. The mansion of Great Chesterford, a few miles from Audley End, belonged to Thomas Howard, who seems to have either given it in dowry with his daughter to her newly-married husband Somerset, or to have lent it them to enjoy their honeymoon.³⁵⁷ The mansion “was built or begun,” says Morant, “by William Marques of Berkeley, who died in 1491. A mile northward from the town, in the middle of a park, some remains of it were visible within a little more than a century; now all is turned to arable.”

By now, Digby had returned from Spain and had fully laid out his discovery to the King on who were being bribed by the Spanish. How the “Scottish Solomon” acted to Digby on taking the news, is not recorded; all his correspondence with Digby on the matter is no longer preserved. But the King “made the members of the Privy Council feel that the conduct of affairs was less than ever left in their hands,” Gardiner tells us. “They were still allowed to discuss public business, but upon all points of importance, the King reserved his decision till he had had an opportunity of talking them over with his young Scottish favourite.”³⁵⁸

Notice how the King has no intentions of prosecuting those who were paid by the Spanish. It was business as usual.

³⁵⁷ John Nichols, *Progresses*, Vol. II.

³⁵⁸ Samuel R. Gardiner, *History of England*, Vol. II., (London: Longmans, Green & Co., 1883).

Amongst those who had been traitors, and received Spanish pensions, was finally mentioned to have been Henry Howard; Sir Robert Cecil; Sir William Monson; Mrs. Drummond (first Lady of the Bedchamber to Queen Anne); and, Frances Howard's mother the Lady Suffolk. The latter's husband was not found on the list and neither was Overbury nor Somerset.

As a result, the King's trust in Henry Howard diminishes and all trust of State business is laid upon Somerset's shoulders. But Somerset was a weakling and lazy; when he was chasing the Howard woman, it was Overbury who had assisted Somerset from writing a simple love letter (if we believe Bacon) to handling dispatches in Somerset's preference and had furthered the requests of suitors (if we believe Greville).

It is not surprising to hear, that by August 1614, Somerset is seen as an overgrown monster. The following letter from Henry Howard to Somerset is undated; but the content tells us it must have been written a little before the former died on June 15, 1614.

Henry Howard to the Earl of Somerset ³⁵⁹

Honourable and worthy Lord,

If the plain dealing both of my physician and surgeon did not assure me of a few days I have to live, I should yet have deferred the putting of these poor suits into your hands, lest I might be thought still rather to value your greatness than your goodness. But, noble Lord, let me be beholden at my last farewell to such poor toys as do rather ease my mind than pinch any man.

I humbly beseech your Lordship to stay with all the power you can the conferring of the Office of the Cinque-ports either upon Pembroke or upon Lisle; for as they hated me, so they will plague my people, [Catholics,] and those whom I loved.

Sir Robert Brett, at his coming to the place of Lieutenant, was content to depart with a plot of ground for the enlargement of my garden, which could have been bought of him for no money. My very conscience is pressed in this point, and therefore cannot satisfy myself till I have put my earnest suit into the hand of my dearest Lord, to take care that his Majesty

³⁵⁹ Harl. MS., 7002, fol. 281.

admit no Warden, before he has given his word to him not to remove the poor distressed gentleman out of his lieutenancy.³⁶⁰

If I die before midsummer, the farms of the Irish customs are not to pay me, though it be but one day before, which were a great wound to my fortune. No man can help this inconvenience better than your Lordship, by obtaining a Privy Seal that my executors be paid, if it come to that hard strait of a day or two. Assurance from your Lordship, that you will affect those final requests, shall send my spirit out of this transitory tabernacle with as much comfort and content as the bird flies to the mountain.

Dear Lord, my spirits spend, and my strength decays, and all that remains is, with my dying hand to witness, what my living heart did vow, when it gave itself to your Lordship, as to the choice friend I did love for his virtues, and not court for his fortune.

Farewell, noble Lord; and the last farewell in the last letter I look to write to any man. I presume confidently of your favour in these poor suits, and will be, both living and dying, your affectionate friend and servant. Tuesday, at 2.

H. NORTHAMPTON

Another undated letter follows; it does not appear clearly from internal evidence on what occasion it was written, but it must also have been written a little before Henry Howard's death. The letter comes from the King, and notice should be taken in the letter that the King found and burned all of Howard's letters without feeling, sorrow or anger in the process.

It is unknown what these letters pertained to, yet was seen to be good enough for the Jacobean flames in the King's point of view. Should the extracts of Howard's letters to Somerset, which were presented by Bacon at Somerset's trial, have been from this dispatch, is possible. If so, then it was the King who had kept the letters and stashed them for a rainy day to be used against Somerset; and, if this is the case, which very much looks like it, then the King was well aware of Overbury and Somerset's correspondence while Overbury was prisoner.

Did the King orchestrate Somerset's fall?

We do not know; but it was not beyond him after reading his letter that follows.

³⁶⁰ Sir Robert Brett was not placed Lieutenant of the Tower as probably anticipated; George More was procured the Lieutenancy after Elwaies was executed.

King James to Henry Howard ³⁶¹

My faithful, and if I had had any particular occasion worthy the troubling of you with, to have recommended unto you all this time of my absence, your letters should not have been answerless, but if for fault of other matter I had desired you to have been diligent and careful in my affairs there, it had been but [to] bid a running man to go faster, which is both unnecessary and injurious.

For I may easily judge of your diligence by your account; for if the unjust steward in the gospel could have given as good a *reddere rationem* [rendering an account] for his diligence as you have given to the chief of the stewards, he had never been cast in utter darkness; and yet my eyes saw all your letters consumed with fire, though without weeping or gnashing of teeth, in reading of them carrying likewise that other acherontide quality with it, that like as I had drunken of Lethe flood when any point contained in any of them is told me by any other person, I can never remember to have heard of it before.

But now I must turn my pen to a far contrary style, repenting me of that epithet I give you in the first words hereof; for what can I think of your affection to me, and the union, when as your works declare the contrary?

I must judge of your mind by your actions, and not by your words. Your orations in Parliament in advancement of the union are but words; but your officers severally in Dover [Henry Howard was Warden of the Cinque-ports] are actions; a strange thing that your natural avarice and innate hatred to me, and all Scotland for my cause, should make you to cause your officers, at such a time, pick shillings from poor Scottish men.

Well, I protest to God, I thought you at my parting from you as honest a servant as ever King had; but what now I think of you, since the discovery of this your great hypocrisy, judge you, and according to your faith so be it unto you as ever it be.

I am glad that I have gotten this ground to pay you home upon for your often cruel and malicious speeches against baby Charles [future King Charles the first] and his honest father; but I know you are now so proud of your new patron [King of Spain] as you little care for your old friends. I know this will be the more welcome that it is my precursor, being myself shortly to follow; who, like the sun in this season, am mounting in my sphere, and approaching to shine upon your horizon.

³⁶¹ Cotton manuscripts. Titus, C. vi. fol. 156.

And so, praying you to believe the contrary, either of the first or last part of this letter, I bid you heartily farewell for all this great quarrel.

JAMES R.

To our right trusty and right well-beloved cousin and Councilor, the Earl of Northampton.

It is doubtful Henry Howard would ever have dreamt he would receive such a letter from the King before his death. And perhaps the King, unknown where, upon reading Howard's letters before casting them into the flames one by one, had stumbled upon some words and tales concerning Overbury's death.

But if anyone was left wide open for an attack, it was Elwaies, that "Lieutenant for the nuns," who was shielded by this Howard.

On July 2, 1614, Lorkin writes to Puckering: "I omitted in my last to mention that my Lord of Northampton, [Henry Howard,] a little before his death, declared himself of his old religion, [Catholicism,] which he further confirmed, though somewhat more obscurely, in his last Testament." ³⁶²

Nichols notes on Lorkin's letter: "However unpleasant it may be to enlarge on the character of this odious hypocrite, [Henry Howard,] it is but historical justice to mention that, just before his death he had brought a suit of defamation in the Star Chamber against a person for calling him a Papist; in which, notwithstanding the truth of the stigma, he would have been successful had not Archbishop Abbott produced a letter under the Earl's own hand [Somerset's] to Cardinal Bellarmine, in which he said, that 'howsoever the condition of the times compelled him, and his Majesty urged him to turn Protestant, yet nevertheless his heart stood with the Papists, and that he would be ready to further them in any attempt.' The author of *The first Five Years of King James* [Sir Fulke Greville] attributes Henry Howard's death to the shock of this reproof, but he who could be guilty of murder, was not likely to be so easily shocked." ³⁶³

We are unsure of Nichols's saying, "he who could be guilty of murder," and whose murder he actually meant.

By July 9, 1614, the Great Seal of England was in the custody of Somerset, and preparations were being made by the Clerks to avoid the payment of such large fees to the

³⁶² Sir Egerton Brydges, *Peers of King James*, p. 246.

³⁶³ John Nichols, *Progresses*, Vol. III.

next Lord Privy Seal. ³⁶⁴ The following day, Thomas Howard was made Lord Treasurer and Somerset finally created Lord Chamberlain. ³⁶⁵ The following correspondence gives some details on the event.

Lorkin to Puckering
(July 21, 1614) ³⁶⁶

His Majesty delivered them both their staves, which act he further accompanied with a declaration of the cause why he had deferred to take that resolution so long; and then with an honourable testimony of either's worth and merit. As touching the first, [Thomas Howard,] he showed that, having suffered much in his estate under the former Treasurers, his desire was to try, whether by translating the execution of that charge upon many, he might not find some relief; which course, notwithstanding, failing to answer expectation, and proving besides grievous to the subject, who would not be dispatched with such expedition as before, he now thought fit to change again by resuming the wonted custom of this Kingdom in putting the employment into one man's hands. Into whose commendation he entering, to make it appear with greater advantage, he set him in opposition to the late Lord Treasurer [Cecil] deceased; who, in lieu of supplying his wants, was wont to entertain him with epigrams, fine discourses, and learned epistles, and other such like tricks and devices (which yet, he saw, would pay no debts) and that therefore now (the better to obviate such learning) he had made choice of a plain honest Gentleman, who, if he committed a fault, had not rhetoric enough to excuse it.

And afterwards, proceeding to speak somewhat of the Chamberlainship, remonstrated that, forasmuch as it was a place of great nearness to his person, he had therefore made choice of him thereto, whom of all men living he most cherished, my Lord of Somerset. To whom, addressing himself with the most amiable compilation that might be, he used these words, 'Lo! Here, friend Somerset,' offering him there with his staff; which the other, prostrating himself upon his knee, received with some few but effectual words of acknowledgement.

* * *

³⁶⁴ John Nichols, *Progresses*, Vol. III: Correspondence of Edward Reynolds to Francis Mills.

³⁶⁵ Birch's MSS. (Brit. Mus.) 4173.

³⁶⁶ Sir Egerton Brydges, *Peers of King James*.

Nichols notes on the above correspondence: “That various evil rumours respecting the character of the Earl of Salisbury [Cecil] were current on his [Henry Howard’s] decease, and that [King] James had been frequently cajoled and deceived by this witty Statesman, there cannot be a doubt. He probably treated his Majesty and all with whom he was brought in contact, as Dr. Birch says he did the Foreign Ministers, ‘penetrating their secrets, and evading, with uncommon dexterity, such points as they pressed, when it was not convenient to give too explicit an answer.’ In the same elaborate character of the Earl it is remarked, that the King during his life had ‘a much greater awe of, than love for him;’ so we may fairly conclude that after his death, when the royal heart was occupied by more favourite Courtiers, it bore little affection to his memory. Still, we must agree that the King’s dislike was now expressed more broadly than was warrantable. It is remarkable that, though Suffolk’s [Thomas Howard’s] honesty is here placed in opposition to Cecil’s duplicity, the reproaches on the latter, allowing them any truth, rose only, like the evening mist, on the setting of the Sun whilst Suffolk, having enjoyed the Treasurership about four years, was openly impugned in 1618, and sentenced to pay a fine of £30,000. Justice, however, compels us to remember that Suffolk’s temporary fall was in great measure occasioned by his being encumbered with a mercenary spouse, and that it might be partly attributable to his family connection with Somerset.” ³⁶⁷

Greville corroborates Nichols by saying how “at home in his Office he [Somerset] used extraordinary covetousness and parsimony. He thereby heaped up to himself [a] great store of money; and would not undertake any enterprise without [being] well rewarded for his pains; and every new occasion and occurrence that came to his hands brought him also a fleece of money. Offices in Court that lay in his gift he bestowed not without money; the King’s letters were not purchased without money; no pardon obtained without money; so that he was as great a bribe-taker as his mother[*-in-law*] the Countess of Suffolk, and many rumours and hard reports were spread on him for the same.” ³⁶⁸

On Saturday, July 23, 1614, the King breaks his progress “having received, about 8 o’clock in the morning, certain intelligence of his Brother the King of Denmark’s private and

³⁶⁷ John Nichols, *Progresses*, Vol. III.

³⁶⁸ Fulke Greville, *The five years of King James, or the Condition of the State of England, and the relation it had to other Provinces*, (London: W.R., 1643).

unexpected arrival.” ³⁶⁹ The King of Denmark left London on August 1st; “it is thought that the King of Denmark could have been content to have stayed longer, but that he was hastened away.” ³⁷⁰ And on July 25th, Elwaies and Weston note “some whispering that Overbury’s death would be called in question;” speedily, they sent a messenger “being a man of Mrs. Turner’s unto Weston with all speech to meet this Mrs. [Turner] at Ware, but coming thither found her not.” ³⁷¹ Elwaies was then told that Weston met Anne Turner at an Inn in “Hogsdon; there they agreed, that if he were examined he should truly confess who recommended him, because in the beginning it was otherwise agreed.” ³⁷²

Bacon had stated it was “about the beginning of the last progress,” when the discovery of Overbury’s death “broke;” ³⁷³ this would have been Monday, July 18, 1614, when the King’s progress began from Theobalds to Rye ³⁷⁴ being a week before Elwaies and Weston met in regards to the “whispering” of Overbury’s death on July 25th, when the King is now leaving Hawnes to Bletsoe.

In all probability, the stir or whisper of Overbury’s death was between July 18th and 25th; this is a month after Henry Howard’s death; a month after the King burnt all of the former’s correspondence except those read at Somerset’s trial; and a month before the King meets the next individual who will rule over him. So, it is very likely that the King had already set the wheel of Somerset’s destruction in motion and was just waiting to acquire the tool in which way to turn it.

Historians tell us the King meets George Villiers on August 3, 1614, at “Abthorp for the first time,” ³⁷⁵ being he completed his progress on August 30th, when he travelled from Rycott to Bisham. Yet there must have been many meetings between the King and Villiers before the latter was taken into service and recognized as the favourite, though some contemporary writers would almost cause us to imagine that “James loved him at first sight.”

³⁶⁹ John Nichols, *Progresses*, Vol. III.: Correspondence of Chamberlain to Carleton.

³⁷⁰ *Ibid.*, Correspondence of August 4, 1614, Chamberlain to Carleton.

³⁷¹ State Papers, dated September 10, 1615: Vol. 81, No. 86: Sir Gervase Elwaies Declaration to King James, September 2, 1615.

³⁷² *Ibid.*,

³⁷³ *Ibid.*,

³⁷⁴ John Nichols, *Progresses*, Vol. III.

³⁷⁵ *Ibid.*,

In a work, entitled: *Aulicus Coquinariae*, a strange collection of Court scandals and anecdotes, we see something of the intrigues and scheming of the enemies of Somerset to set up this new star. One such intrigue was at a supper party at Baynard's Castle. Present were the amateur Alchemist Pembroke and his brother Montgomery, including the Seymours and other Nobles who were solemnly considering whether this young man called Villiers (who had taken the King's fancy) should be supported as a rival candidate.

The guests on separating and passing from one of the great houses in the Strand through Fleet Street happened to notice a painter's stall where a picture of Somerset was put up for sale. One of them, as a sign of scorn for Somerset against whom they were plotting, ordered his servant to throw some mud on his face. The order was obeyed promptly. The story does not tell us whether the painter or the dealer was paid. Probably not. Insult was answered by insult. The news that a new favourite was at hand could not be long kept from the ears of the man most concerned and from those who would go down with him if he fell.

"This was quickly discovered by Somerset who was then, as yet, in some possession of the King's heart," and still in possession of his own servants, had one of them, perhaps after hearing of the mud slung at his master's portrait, take a more effective revenge.

As Villiers sat at the table, the fellow, "with evident insolence spilt a dish of soup over the Court dress of the young gallant;" Villiers sprang up and clouted the man over the ear.³⁷⁶ It was not a prudent act. With that blow struck, in the presence of the King, Villiers had, by law, forfeited his own right hand. Somerset, as Lord Chamberlain, had his enemy in his grip, for by his Office he was called upon "to be ready at the place and time of execution as shall be appointed, as is aforesaid, to sear the stump when the hand is stricken off."³⁷⁷

There is something Gilbertian in the idea, looking back on it. But then it must have been quite grim, but Somerset must have licked his moustaches when he saw, or heard of his rival's treasonable offence. Like Shylock, he would demand the flesh. But the King ruled otherwise, and upheld the justice of the blow, though it had passed in his presence, and gave signal proof of his affection for Villiers.

Back to the drawing board then it was for Somerset, which must have had those in Court in continual suspense. "Many were afraid of adhering to Villiers, for fear his credit was not

³⁷⁶ Sir Anthony Welldon, *The Court and Character of King James I*, 1650.

³⁷⁷ Statute 33 Henry VIII. c. 12.

yet firmly settled. Others declared openly against Somerset, in order to make a merit of it with the new favourite.” ³⁷⁸

There were other ways of ridding one of a rival: In Alsatia there was a Captain Colepepper ready, at a price, to steal after any gallant in the dark and between one end of an alley and the other, to stick a poniard in his back. Somerset was rich enough to pay for such service, and his illegitimate kinsman (William Carr) was, it is said, ready for the job. But he blabbed about it in his cups to someone at the Court, who carried the news to those who had put their money on the new man. The would-be assassin was hauled up to justice, and though he saved his neck by stubborn denial perhaps, after all, the poor wretch was only guilty of Somerset’s name, was committed to the King’s dungeons.

There was also the Council of Ten, but Somerset probably did not wish to walk into such a labyrinth, which the Howards had already strolled in.

Much evidence supports Somerset’s downfall, together with the little fishes, being a plot contrived not only from the wits of the King, but also from Villiers who assisted in turning the wheel’s screws of the plot. The new favourite (sooner than later) was grasping the King’s gowns, purse, government, and excitement: “The King sold his affections to Sir Villiers, whom he would tumble and kiss as a mistress.” ³⁷⁹

George Villiers (1st Duke of Buckingham)
(1592-1628)



Though it was reported by those who envied Villiers’s greatness, that he was meanly descended, he was not. Villiers’s family had been seated at Brokesby in Leicestershire from the time of Henry III, and according to a pedigree by the Heralds in 1670, ³⁸⁰ was descended from Aymer de Villiers, sewer to King Philip the first of France, slain by four soldiers of William the Conqueror of England, in 1076. George Villiers was the fourth son of Sir George Villiers, though it is unknown

³⁷⁸ Thoyras De Rapin, *History of England*, (London: Knapton, 1732).

³⁷⁹ Sir Edward Peyton, Knight of Whitehall since 1610.

³⁸⁰ *History of Leicestershire*, Vol., III., p. 197.

when Senior Villiers was knighted; his mother was Sir George's second wife (Mary) daughter of Anthony Beaumont, of Cole Orton, afterwards created Duchess of Buckingham. The education of the future favourite was, from his tenth to his thirteenth year, at the school of Billesdon in the neighbourhood of his parents, where, says his first biographer, Sir Henry Wotton: "He was taught the principles of music, and other light literature. Afterwards, he was instructed at home in dancing, fencing, and all the qualifications of a Courtier, in which character, it seems to have been rather the wish than the expectation of his parents that he might be sometime placed." ³⁸¹

Villiers also spent some years in France from which here, he "turned exact to perfection in every accomplishment which could be bestowed by an education from which all that we are used to call learning, seems to have been utterly excluded. He loitered away, yet another year in his mother's house in the country, before any plan could be devised for his future life, when meeting with one of the daughters of Sir Roger Aston, [Master of the Wardrobe] (all four of whom are elegantly represented, and their actual marriages detailed on Aston's monument engraved in Lysons's *Environs*). ³⁸² Villiers and the daughter of Aston conceived a mutual affection, and he followed her to London." ³⁸³

Welldon tells us that this "gentlewoman" the daughter of Aston loved Villiers so well as could all his friends have made for her great fortune, "but a hundred Marks jointure, she had married him presently in despite of all, no question would have had him without any jointure at all." ³⁸⁴

And, the quick rise of Villiers was accelerated by the efforts of Archbishop Abbott and Queen Anne, who, "being justly offended by the arrogance of Somerset and his undue influence over the King, adopted the resolution of, as it has been termed, driving out one nail by another." ³⁸⁵ Amongst those about the King who became Villiers's supporters, was Digby; the man who held the names of those who were under the Spanish payment. It is not too mean to say, that in order one drive out another, many secrets must have been passed onto Villiers so he begin to help spin the web against Somerset, since all twenty-two peers at Somerset's trial in May 1616, were all of the Villiers faction.

³⁸¹ Lodge, *Portraits of Illustrious Personages of Great Britain*.

³⁸² Lysons, *Environs*, Vol., V. p. 22.

³⁸³ Lodge, *Portraits of Illustrious Personages of Great Britain*.

³⁸⁴ Sir Anthony Welldon, *The Court and Character of King James I*, 1650.

³⁸⁵ *Ibid.*,

It is now time to come to how Overbury's death was heard of by the Courtiers and those dwelling in the Royal Court since the summer months of 1614, though held back due to the King's progress and stricken by Villiers who captured his "tumbling" mannerisms.

By the way, did anyone even remember who Overbury was? Apparently they did, even though they all turned their backs on this man when he died, and did not even wish to mention his name. It was good riddance to Overbury at the time.

So the voice of Fate, crying like some old Bellman through the world, tells us that the entire discovery of Overbury's death is insulting; first to the literary reader and then to a researcher who reads that the King's factions, who were rooted with ambitious Courtiers, wished people believe that the Royal Court would remember Overbury (two years after) and support this discovery to being prophetic, just, and charitable. In all due respect, they did not give a farthing if Overbury was dead or how he died.

Yet, the discovery (or better the Court gossipers) of Overbury's death, began to circulate a rumour, that he died not of natural causes as Henry Howard had told them, but was murdered. It is peculiar no one detected before this time that the death registers at the Tower had already stated this fact in 1613; so it looks as though these registries were suppressed at the time and were brought out on display during the summer months of 1614, by the King's command, for no other individual could suppress or bring to light government documents except by royal command.

The government's version of Overbury's death, coming from Bacon at Somerset's trial, was the most believed.

Welldon's version, which was given with names and most likely to be the true version, was less believed.

The gossipers' version, which was based on the point that a servant of Overbury's had notified Coke of the matter, was much believed.

And finally, the Winwood version, which was based on the point that Lord Canterbury had found out (unknown how) and told the King's Secretary, was supported by many, for "thereafter, by searching in a certain place, [unknown where,] Winwood should find a trunk, wherein were papers which would disclose the whole business which Winwood did, and found it so." ³⁸⁶

³⁸⁶ Godfrey Goodman, *Aulicus Coquinariae*, 1650.

If one approaches each version of the discovery and knits them in a logical order, they all fall into place to what actually took place.

The King comes across Henry Howard's correspondence; how and where this happened, is irrelevant. But the King writes a very damnable letter to Henry Howard, charging him of "great hypocrisy;" and if the latter's death had not arrived at the time it did, for he "escaped the penalty of his crimes by dying on the eve of his arrest," ³⁸⁷ he no doubt may have been put on trial not only for picking "shillings from poor Scottish men," or the "cruel and malicious speeches" he said "against baby Charles" -the new heir to the English throne- but for High Treason since his name was found on the Spanish pensioners' list brought into England by Digby.

We are certain Henry Howard's sly mannerisms would have allowed him to slither away from any long-term imprisonment or from standing on the gallows, as Monson was sly to behave to which spared his life. However, Henry Howard had left open a door which the King entered: All Henry Howard's correspondence upon any subject, any time, any event, implicating any person and even the Sovereign, had been searched and thrown into the roaring Jacobean flames by the King himself.

Did this leave Henry Howard open to severe punishment? In Henry Howard's eyes it did; and hence the rumour that he poisoned himself the night before his arrest, as opposed to dying of natural causes, could be corroborated as being true.

Not to put too great a judgment on King James in burning evidence and correspondence, he needed to shelter a few individuals he no doubt wished to keep around his throne for the time being. But we believe Villiers got word of the King's action; there are no doubts that the King's action was heard of or seen, for he was never alone. He had prior knowledge of Henry Howard's treachery in receiving the King of Spain's money and utter assurance his still favourite Somerset had not. So who but Somerset could have advised the King to burn all of Henry Howard's correspondence, whether they pertained to selling for profit or to Overbury's death?

And when Somerset takes that 180 degree turning his "creeping back" on the King, who but the King finally turns to for advice to rid him of this obnoxious, tiring and overgrown monster which Somerset had become? No other but George Villiers.

³⁸⁷ William Hepworth Dixon, *Her Majesty's Tower*, Vol. II., (London: Hurst & Blackett, 1870).

One characteristic the King had, amongst others, was showing he needed others to admire him for his weaknesses; he wanted others to feel jealous of those who flattered him for favours; and, most important he needed the pity of those he wished for his “sufferings.” So with some of the King’s information he read from Henry Howard’s correspondence, which was given to Villiers, who in turn acquainted his faction with less information of what he received, the plot to break Somerset began. Throughout, the left hand never knew what the right hand was doing.

We also know Somerset did not believe James would actually demolish his life. We say this because of something else the King wrote to Somerset in that letter: “Remember that all your being, except your breathing and soul, is from me. I told you twice or thrice that you might lead me by the hair and not by the nose.” It is evident that Somerset was leading the King “by the nose” for some time prior to 1614; and though the King had warned Somerset against this mannerism, it was never actually driven home for Somerset to understand it and stop it.

Overbury on the other hand felt not only secure in what he was doing, together with Somerset, like selling offices higher than usual or gathering state secrets beyond what was necessary, but also had the approval of James for these actions. So nothing could have crept into Overbury’s mind that sooner than later he would be imprisoned as a commoner and left there to rot. In other words, Overbury let down his guard in regards to the King’s wrath; a mistake which his intelligence did not warn him of, even though he knew, in some sense, what the King’s character was.

Perhaps Overbury felt too secure next to Somerset; nothing appeared on the horizon that could ever shake the foundations he had built upon after they managed to get away with the Prince’s murder. And since we have never heard of Overbury entangled in some love affair with a woman, perhaps, and this is an assumption, but perhaps Overbury had female preferences as the King and Somerset had, though the latter two managed to marry and produce heirs.

As to the Howards, who had surrounded these three individuals, we say no more than what was said of them in those times: The most Machiavellian family that ever entered a Royal Court.

Returning to our course, the plot would be simple: Bring Somerset to stand at two separate trials. Charge him at the first trial with Overbury’s murder and as a “foundation,” as

Bacon said, lay down the treasonous act of opening and copying government documents, which would be unfolded in the second trial, where Somerset would be charged for High Treason. If possible, include the conspiring, abetting and procuring the death (by poison) of Henry, the Prince of Wales, who was apparent heir to the English throne in 1612 when he died. Remember reader how Coke delved into the investigation in the Prince's death during the Overbury trial. The only way Coke could investigate the dead Prince, exploiting him in such a manner, would have been by the King's direct order.

The Villiers faction goes into action; and, if we wish to believe Greville, the Queen was a participant. The first to concern them was to procure evidence that Overbury was poisoned. The best individual to approach was Paul de Lobell, the French Apothecary and brother-in-law to the King's Court physician, Théodore Mayerne. Nothing could be easier.

So Lobell talks of his boy servant called William Reeve, "who either ran away, or else his master sent him out of the way" to Brussels or France in 1613, where William Trumball, the spy and British Minister was conveniently living. They order Trumball to sniff out Reeve as opposed to Trumball hearing of the boy through his servant and got hold of this poisoning business. After Trumball secured what was needed, Reeve "is left dead in his room," which allowed for no verbal corroboration from Reeve at Somerset's trial. It would be a dead boy's word against Somerset.

How William Reeve died has two versions.

The first came from the government, saying the boy lay sick and on his deathbed, and feeling remorse, spilled the story of Overbury being poisoned. After converting all to Trumball, the young boy conveniently died. Nichols noted that this version seemed "improbable;" we need to agree.

The second version comes from Arthur Wilson and Fulke Greville. They both relate Somerset, upon hearing of gossip that Overbury's death would be looked into, sent an assassin to France where Reeve was and eliminated him. If the latter version is followed, it corroborates what we said earlier, that Somerset found out that Reeve had taken with him some documents which Overbury had stolen from Somerset's chambers back in 1613.

However Reeve died, the result is that he died before any trial began in the Overbury case.

Trumball presently writes to Secretary Winwood that he had business of consequence to discover, but would not send it, and desired license to come over. The King would not yield

to Trumball's return, but willed him to send an express. This Trumball refused, "and very wisely," Welldon noted. At this point of negotiations between Trumball and the King, Reeve was still alive; hence Welldon says it was wise Trumball refused sending any information by "an express, for letting anything appear under his hand least the boy should die or run away, and then himself made the author of that which the courtesy of another must have justified."

The King finally allows Trumball's return; we do not know why the King gave in to allowing Trumball to return; perhaps upon Villiers's advice since Trumball had gathered all the information needed and also stated that amongst Weston and Franklin, a witch called Anne Turner was involved. Being one of them was a witch, the King must have jiggled with delight and secured Trumball's license to return to England.

"Yet this, being now the time of progress," Welldon says, "was not stirred till about Michaelmas," which was around October or November of 1614. Perhaps the delay to reveal the information Trumball had gathered, was due to Secretary Winwood diverting all information to Villiers and Queen Anne and no doubt requesting how he was to proceed.

After the King ended his progress, he dealt with reconciling Somerset and Villiers as opposed to revealing the death of Overbury's by poison. It is singular, yet shows that the King gave Somerset one last chance to beg for his return to his favour and it is possible he would have buried the whole Overbury affair. Besides, who even remembered Overbury?

So at Lulworth, the King employed his servant, Sir Humfrey May, who was "a great servant to Somerset, and a wise servant to Villiers," with instructions to present Villiers to Somerset's service: "My Lord, Sir George Villiers will come to you to offer his service, and desire to be your creature and therefore refuse him not, embrace him, and your Lordship shall still stand a great man, though not the sole favourite."

Humfrey May told Somerset that he was sent by the King to advise him, and that Villiers "would not be to him to cast himself into his protection to take his rise under the shadow of his wings."³⁸⁸ The King's servant not gone more than half an hour, when Villiers arrives and uses these very words, which Welldon narrates for us: "My Lord, I desire to be your servant, and your creature, and shall desire to take my Court preferment under your favour and your Lordship shall find me as faithful a servant unto you as ever did serve you." Somerset, we

³⁸⁸ Sir Anthony Welldon, *The Court and Character of King James I* (1650).

are told, returned this quick and short answer: "I will none of your service, and you shall none of my favour. I will, if I can, break your neck, and of that be confident."

If this brief, yet powerful meeting between the two favourites happened under such circumstances, then it is evident that Somerset's downfall was now a guarantee, with Overbury's posthumous help or not.

Now, after Winwood got notice of Overbury's murder via Trumball, he arranged a dinner meeting between himself and Elwaies, who could either confirm what William Reeve said or not. It is uncertain why only Elwaies was entertained at this dinner; it would have been quite easy to take a lower step towards the confirmation, and first talk to Weston who had been the "under-keeper" to Overbury in the Tower. Perhaps Weston was not used because he could not read or write; if some document cropped up for him to corroborate, he would not be able to do so. Therefore, the next best man to grab was Elwaies.

"His dining with Sir Gervase Elwaies, at a great man's table (Earl of Shrewsbury) commended Elwaies to Secretary Winwood, as a person, in respect of his many good qualities, very worthy of his acquaintance."³⁸⁹ It is clear the meeting was setup by Winwood, with the express purpose to secure the events he was told by Trumball. There could be no other purpose why the King's Secretary would attend a dinner where by chance Elwaies was also attending. "The Secretary answered him, that he should willingly embrace his [Elwaies's] acquaintance, but that he could first wish he had cleared himself of a foul suspicion the world generally conceived of him touching the death of Overbury. As soon as Elwaies heard this, being very ambitious of the Secretary's friendship, he took occasion to enter into private conference with him; and therein to excuse himself to have been forced to connive at the said murder, with much abhorring of it; he confessed the whole circumstances of the execution of it in general, and the instruments to have been set on work, by Robert, Earl of Somerset and his wife."

Elwaies only stigmatizes Somerset and his wife as the conspirers of Overbury's death at the dinner meeting with Winwood; no mention of Weston, Franklin, or Turner which William Reeve had allegedly mentioned. So by the time the King returns to Windsor to end his progress, then on to Hampton Court and Whitehall, and shortly after to Royston to begin his

³⁸⁹ J.O. Halliwell-Phillips, *Autobiography & Correspondences of Sir Simonds D'Ewes*, Vol. I. (London: Bentley, 1845).

winter journey, all that was needed to begin unraveling the plot against Somerset was acquired.

According to Chamberlain, on November 4, 1614, “the fortune of Villiers, the new favourite, seems to be at a stand or at least not to go very fast forward; for when it was expected he should be made of the Bedchamber, one Carr, a bastard kinsman of the Lord Chamberlain [Somerset,] is stepped in, and admitted to the place. And yet most men do not believe that the world goes altogether so well on that side as it was wont.” ³⁹⁰

In another letter of Chamberlain’s, he writes that on November 24th, “the King had a dangerous fall in hunting” and that Villiers’s “fortune seems to be at a stand.” The two references to Chamberlain’s letters and its contents, is confirmed in the following letter of the King to Somerset; it is not dated but can be established around this time due to the mention of this “bastard kinsman” Chamberlain writes of and also of the King’s hunting fall.

The letter is written nearly a year after Somerset’s marriage into the Howard family and Overbury’s death; when the “whisperings,” which Elwaies and Weston talked of in July, were now penetrating and severe; when Welldon noted that the “stir” of Overbury’s death broke forth (between October and November of 1614); when the King had burnt Henry Howard’s letters; and, when the King tumbled and kissed Villiers “as a mistress.”

Nothing is coincidental of what happens after this letter has been written and delivered to Somerset. And, it is the most crucial letter which provides enough evidence of what we have claimed up to this point in our research on the Overbury case.

King James to the Earl of Somerset

(November 1614) ³⁹¹

First, I take God the searcher of all hearts to record that in all the time past, of idle talk, I never knew nor could out of any observation of mine find any appearance of any such court action as you have apprehended; and so far was I ever from overseeing or indirectly feeding of it (if I had apprehended it) as I protest to God I would have run upon it with my feet, as upon fire, to have extinguished it, if I could have seen any sparkle of it.

³⁹⁰ Birch’s MSS. (Brit. Mus.) 4173.

³⁹¹ J.O. Halliwell-Phillipps, *Letters of the Kings of England*, 1846, from a manuscript at Lambeth Palace.

[We do not know to which “court action” the King talks of above that he was being informed of by Somerset. Since this event was inserted first in the King’s letter, it could not hold much importance for this Sovereign, and only used as a provocation to begin a letter he must have had for some time wanted to write to Somerset.]

As for your information, you daily told me so many lies of myself that were reported unto you, as I confess I gave the less credit to your reporters in other things, since you could not be an eye witness of it yourself.

[The above paragraph shows how Somerset had for some time diverted his attention from the King; daily advancing some “lies” that he had heard from others which scarred the King’s character. It was a good enough motive to reduce Somerset’s presence without endangering the removal of favours, since Somerset held the Seal of England.]

Next, I take the same God to record that never man of any degree did directly or indirectly let unto me anything that might be interpreted for the lessening of your credit with me, or that one man should not rule all, and that no man’s dependence should be but upon the King, or any such like phrase, which if I had ever found, then would I have bestirred myself as became both so great a King and so infinitely loving a master.

[What the King writes above could be discredited. He was told by Thomas Howard (prior to Overbury’s arrest) that the latter ruled over Somerset and he in turn ruled over the King. Apparently, this had no “lessening” to Somerset’s credit in the King’s eyes; so why it was stressed upon to such an extent to secure Overbury’s removal from Court, was only to cover any guilt of King and favourite for keeping Overbury imprisoned beyond a fortnight which was the penalty of contempt to which Overbury had been charged.]

Thirdly, as God shall save me, I meant not in the letter I wrote unto you to be sparing in the least jot of uttering my affection towards you, as far as yourself could require; my differing from your form in that point being one to follow my own style (which I thought the comeliest) so as then having delivered my mind as fully to [Sir Humfrey] May as you could have wished,

having written this letter, having quite turned my countenance from [Sir John] Graham, ³⁹² the like whereof I never did to any man without a known offense, I having received your nephew [William Carr] in my Bedchamber, the faction thereof being done in a needless bravery of the Queen, I did surely expect that the idle talk would wear out like the Pope's cursing (especially seeing my own heart knew it to be without a ground).

[William Carr mentioned was the "bastard kinsman" that Chamberlain referred to. Nothing is known of William Carr's early life, appointed a groom of King James's Bedchamber in November 1614, beyond the fact that he was the illegitimate nephew of Somerset, a stigma which presumably explains his omission from the family's pedigrees. William Carr's admission to the Bedchamber was allegedly intended as a snub to the emerging rival, George Villiers.

William Carr survived his uncle's fall from grace less than a year later, but Villiers's rise to power almost certainly reduced his opportunities for personal gain. Over the course of more than a decade at Court, he was rewarded with only two annuities worth a total of £700, payment of which sometimes proved uncertain, and the grant of some concealed crown revenues, the cost of recovering which was to be met by William Carr himself.]

For I am far from thinking of any possibility of any man ever to come within many degrees of your trust with me, as I must ingenuously confess you have deserved more trust and confidence of me than ever man did, in secrecy above all flesh, in feeling and impartial respect, as well to my honour in every degree as to my profit; and all this without respect other to kin or ally or your nearest or dearest friend whatsoever; nay, on moveable in one hair that might concern me against the whole world; and in these points I confess I never saw any come towards your merit; I mean in the points of any inwardly trusty friend and servant.

³⁹² Sir John Graham was a "familiar friend" to George Villiers. "The King," says Sir Henry Wotton, "finding that Sir John Graham was his [Villiers's] familiar friend, gave him private directions how and by what means, to bring him into favour."

But as a piece of ground cannot be so fertile but if other by the own natural rankness or evil maneuvering thereof it become also fertile of strong and noisome weeds [offensive roots] it then proves useless and all together unprofitable; even so these before rehearse worthy and rare parts and merits of yours have been of long time, but especially of late, since this strange frenzy took you, so poured and mixed with strange streams of un-quietness, passion, fury, and insolent pride, and (which is worst of all) with a settled kind of endured obstinacy, as it chokes and obscures all these excellent and good parts that God hath bestowed upon you.

For although I confess the greatness of that trust and privacy betwixt us will very well allow unto you an infinitely great liberty and freedom of speech unto me, yea even to rebuke me more sharply and bitterly than ever my master durst [dare] do, yet to invent a new art of railing [reproachful language] upon me, nay to borrow the tongue of the Devil, in comparison whereof all Peacham's book, is but a gentle admonition, that cannot come within the compass of any liberty of friendship.

[The King outright charges Somerset above with some nasty mannerism and language which he compared worse than Edmund Peacham's.]

And do not deceive yourself with that conceit that I allowed you that sort of licentious freedom till of late. For as upon the one part it is true you never passed all limits therein till of late, so upon the other I bore, God Almighty knows, with these passions of yours of old, dissembling my grief there at, only in hope that time and experience would reclaim and abate that heat which I thought to wear you out of by a long suffering patience and many gentle admonitions; but the circumstances joined relish the times worse to my taste than other ways they would have done if they had only remained in *paris naturalibus* [natural peer] of passions.

For first, being uttered at unseasonable hours and so bereaving me of my rest, you was so far from condemning your own indiscretion therein, as be the contrary it seemed you did it of purpose to grieve and vex me. Next, your fiery *boutades* [jokes] were coupled with a continual digit sullen behaviour towards me; especially shortly after my fall, [November 24,

1614,] though I gave you a far contrary proof after your fall, [in 1607,] and in all the times of your other diseases. [Including the faked *To?*] Thirdly, in all your dealings with me, you have many times uttered a kind of distrust of the honesty of my friendship towards you. And fourthly, which is worst of all, and worse than any other thing that can be imagined, you have in many of your mad fits done what you can [to] persuade me that you mean not so much to hold me by love hereafter as by awe, and that you have me so far in your reverence, as that I dare not offend you or resist your appetites.

I leave out of this reckoning your long creeping back and withdrawing yourself from lying in my chamber, notwithstanding my many hundredth times soliciting you to the contrary, accounting that but as a point of unkindness.

Now whether all your great parts and merits be not accompanied with a sour and distasteful sauce, yourself shall be judge. Consider like ways of the difference of the things that you lay to my charge and that I lay to yours. I charge you with nothing but things directly acted or spoken to myself. I wish at God therefore, and I shall both pray for it and hope it, that you may make good use of this little mirror of yourself which herein I present unto you; it is not like Sir Walter Raleigh's description of the Kings that he hates, whereof he speaks nothing but evil;³⁹³ for this lays plainly and honestly before you both your best and worst parts.

To conclude then this discourse proceeding from the infinite grief of a deeply wounded heart, I protest in the presence of the Almighty God that I have borne this grief within me to the uttermost of my ability; and as never grief since my birth seized so heavily upon me, so have I borne it as long as possible I can; neither can I bare it longer without committing any unpardonable sin against God in consuming myself willfully, and not only myself, but in periling thereby not only the good estate of my own people, but even the estate of religion through all Christendom, which all under God lies now upon my shoulders, I never did for no subject alive but for you.

³⁹³ The King talks here of Raleigh's work, *The History of the World*, written from 1603 to 1616. Several months after publication, the King ordered further sales of the book suppressed and all unsold copies to be confiscated "for divers exceptions, but especially for being too saucy in censuring Princes."

But the lightening [of] my heart of this burden is not now the only cause that makes me press you indelayedly [without delay] to ease my grief; for your own furious assaults of me at unseasonable hours has now made it known to so many that you have been in some cross discourse with me, as there must be some exterior signs of the amendment of your behaviour towards me.

These observations have been made and collected upon your long being with me at unseasonable hours, loud speaking upon both parts, and their observation of my sadness after your parting, and want of rest. What shall be the best remedy for this, I will tell you by tongue. [verbally.] But for the easing of my inward and consuming grief, all I crave is that in all the words and actions of your life you may ever make it appear to me that you never think to hold grip of me but out of my mere love, and not one hair by fear.

Consider that I am a freeman, if I were not a King. Remember that all your being, except your breathing and soul, is from me. I told you twice or thrice that you might lead me by the hair and not by the nose. I cannot deal honestly, if I deal not plainly with you. If ever I find that you think to retain me by one sparkle of fear, all the violence of my love will in that instant be changed in as violent a hatred.

God is my Judge [to] my love [which] has been infinite towards you; and the only strength of my affection towards you has made me bare with these things in you, and bridle my passions to the uttermost of my ability.

Let me be met then with your entire heart, but softened with humility. Let me never apprehend that you disdain my person and undervalue my qualities; and let it not appear that any part of your former affection is cooled towards me. A King may slack a part of his affection towards his servant upon the parties default and yet love him; but a servant cannot do so to his master, but his master must hate him.

Hold me thus by the heart; you may build upon my favour as upon a rock that never shall fail you, that never shall weary to give new demonstration of my affection towards you; nay, that shall never suffer any to rise in any degree of my favour, except they may acknowledge and

thank you as a flatterer of it, and that I may be persuaded in my heart that they love and honour you for my sake (not that any living ever shall come to the twenty degrees of your favour). For although your good and heartily humble behaviour may wash quite out of my heart your passed errors, yet shall I never pardon myself, but shall carry that cross to the grave with me, for raising a man so high as might make one to presume to pierce my ears with such speeches.

To make an end then of this impleasing [unpleasant] discourse, think never to value yourself to me by any other merits so much as by love and heartily humble obedience. It has ever been my common answer to any that would plead for favour to a Puritan Minister by reason of his rare tastes that I had rather a conformable man but ordinary parts, than the rarest men in the world that will not be obedient; for that leaven of pride sours the whole loaf.

What can, or ever could, thus trouble your mind? For the exterior to the world, what can any servants expect of their Prince but countenance or reward? Do not all court graces and places come through your office as Chamberlain, and rewards through your father-in-law's [Thomas Howard's] that is Treasurer? Do not you two (as it were) hedge in all the court with a manner of necessity to depend upon you? And have you not, besides your own infinite privacy with me, together with the many offices you possess, your nephew [William Carr] in my Bedchamber, besides another [George Villiers] far more active than he in court practices? And have you not one of your nearest kinsmen that loves not to be idle in my son's [Prince Charles's] bedchamber? With this should you have silenced these news-bringers and makers of spies. For no other thing is left behind but my heart, which you have neither cause to doubt, nor if it did need, could they counsel or advise you how to help.

Thus have I now set down unto you what I would say if I were to make my testament; it lies in your hand to make of me what you please, either the best master and truest friend, or, if you force me once to call you ingrate, which the God of Heaven forbid, no so great earthly plague can light upon you. In a word, you may procure me to delight to give daily more and more demonstrations of my favours towards you, if the fight be not in yourself.

JAMES R.

The above harsh, yet actual, letter only confirms many old and contemporary writers, that upon entrance of the new favourite, the old favourite was gradually put down. Regardless of Somerset's changes towards the King, and "in spite of poverty," that England now began to relish in, by December 1, 1614, Chamberlain tells us "a Masque is preparing, towards which the King gives £1,500. The principal motive for it is said to be the gracing of young Villiers. Attempts are made to keep the Secretary away from Court, for he wins ground when he is there." ³⁹⁴

³⁹⁴ John Nichols, *Progresses*, Vol. III: Correspondence of Chamberlain to Carlton, December 1, 1614.

TRIALS OF 1615

From the following letter, it seems Bacon and the King were well aware of what was to be discovered and had previously talked of the pros and cons of the Overbury case, including how speedily an indictment against Somerset was being prepared.

Sir Francis Bacon to King James**(January 22, 1615)** ³⁹⁵

It may please your most excellent Majesty,

At my last access to your Majesty, it was fit for me to consider the time and your journey [progress] which makes me now trouble your Majesty with a remnant of that I thought then to have said: Besides your old warrant and commission to me, to advertise your Majesty when you are *aux champs* [in the fields] of anything that concerned your service and my place. I know your Majesty is *nunquam minus solus, quam cum solus*; [never less alone, when you are alone, imposed on;] and I confess, in regard of your great judgment, under which nothing ought to be presented but well weighed, I could almost wish that the manner of Tiberius were in use again, of whom Tacitus said, *Mos erat quamvis prmsentem scripto adire*; [Although the current approaches writing;] much more in absence.

I said to your Majesty that which I do now repeat, that the evidence upon which my Lord of Somerset stands indicted is of a good strong thread, considering impoisoning [poison] is the darkest of offences; but that the thread must be well spun and woven together; for your Majesty knows, it is one thing to deal with a jury of Middlesex and Londoners, and another to deal with the Peers, whose objects perhaps will not be so much what is before them in the present case, which I think is as odious to them as to the vulgar, [public,] but what may be hereafter.

Besides, there be two disadvantages we, that shall give in evidence, shall meet with somewhat considerable. The one, that the same things often opened lose their freshness, except there be an aspersion of somewhat that is new; the other is the expectation raised, which makes things seem less than they are, because they are less than opinion.

³⁹⁵ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

Therefore [if] I were not your Attorney, nor myself, if I should not be very careful, that in this last part, which is the pinnacle of your former justice, all things may pass *sine offenciculo, sine scrupulo*. [offensive without scruple.] Hereupon I did move two things, which, having now more fully explained myself, I do in all humbleness renew.

First, that your Majesty will be careful to choose a [Lord High] Steward of judgment [Sir Thomas Egerton (Lord Ellesmere Chancellor of England was chosen) that may be able to moderate the evidence and cut off digressions; for I may interrupt, but I cannot silence. The other, that there may be special care taken for the ordering the evidence, not only for the knitting, but for the list [wish] and, to use your Majesty's own words, the confining of it.

[Bacon above quite plainly states how the chosen Lord High Steward should be able to “moderate” evidence and stop the case from being diverted from the point which was in mind, being a conviction. Sir Thomas Egerton who was chosen was a perfect candidate. When he took part in the trial of the King's mother, Mary, Queen of Scots, in 1586, he advised that in her indictment she should only be styled “commonly called Queen of Scots,” to avoid scruples about judging a Sovereign; James would have remembered this stipulate quite well at the time.]

This to do, if your Majesty vouchsafe to direct it yourself, that is the best; if not, I humbly pray you to require my Lord Chancellor, that he, together with my Lord Chief Justice [Coke], will confer with myself and my fellows, that [which] shall be used for the marshalling and bounding of the evidence, that we may have the help of his opinion, as well as that of my Lord Chief Justice; whose great travels as I much commend, yet that same *plerophoria*, [information,] or over-confidence, does always subject things to a great deal of chance.

Thus thirsty to hear of your Majesty's good health, I rest.

FRA. BACON

By the time the King went from Whitehall to Royston on February 15, 1615, all was setup to persecute Somerset and his wife. The King sent for all his Judges and gave them the

following announcement with instructions, then “away to Royston he goes, and Somerset with him.” ³⁹⁶

My Lords and Judges: It is lately come to my hearing, that you have now in examination a business of poisoning; Lord in what a most miserable condition shall this Kingdom be, (the only famous nation for hospitality in the world) if our tables should become such a snare, as none could eat without danger of his life, and that Italian custom [of poisoning] should be introduced amongst us. Therefore my Lords, I charge you, as you will answer it at that great and dreadful Day of Judgment, that you examine it strictly without favour, affection, or partiality. If you shall spare any guilty of this crime, God’s curse light on you and your posterity. And if I spare any that are found guilty, God’s curse light on me and my posterity forever.

On April 23, 1615, George Villiers was sworn a Gentleman of the King’s Bedchamber, “with an annual pension,” Henry Wotton says, “of £1,000 payable from the Court of Wards.” The following day, Villiers received the honour of Knighthood at the Queen’s Palace at Somerset House. ³⁹⁷ Wotton further notes that Somerset “moved that he [Villiers] might be only sworn a Groom; but those whose aim it was to lessen Somerset, sticking to him, he was sworn a Gentleman.”

During the month of July 1615, the King refused to make an appointment at Somerset’s entreaty forwarding to him his royal dissatisfaction: “I have been needlessly troubled this day, with your desperate letters; you may take the right way, if you list, [wish,] and neither grieve me nor yourself. No man’s nor woman’s credit is able to cross you at my hands if you pay me a part of that you owe me. But how you can give over that inward affection, and yet be a dutiful servant, I cannot understand that distinction. Heaven and earth shall bear me witness that, if you do but the half your duty unto me, you may be with me in the old manner, only by expressing that love to my person and respect to your master that God and man crave of you, with a hearty and feeling penitence of your by-past errors.” ³⁹⁸

³⁹⁶ Wilson, *The History of Great Britain, Being the Life and Reign of King James the First, Relating to what passed from his first Access to the Crown, till his Death*, (London: Richard Lownds, 1653).

³⁹⁷ John Nichols, *Progresses*, Vol. III.

³⁹⁸ J.O. Halliwell-Phillips, *Letters of the Kings*, Vol. II., p. 133.

To what exact “by-past errors” the King meant is anyone’s guess, for we only know of the one which Somerset was led to request an official pardon from the King.

Greville explains.

“Somerset begins to cast about how he might avoid the danger of the law, since his creatures brought to his attention, that Overbury’s death was being circulated not to have been by natural causes. Whereupon, finding the King in a good humour, he moves him to this effect, that, whereas it had pleased his Majesty to commit many things unto his charge, and some of them proving something too weighty for him to undergo, it was so, that ignorantly he had run himself into a *Præmunire*, whereby he had forfeited to him [the King] both his lands, goods, and liberty; and that he came now to surrender them all up into his Majesty’s hands, unless it pleased him of his wanted favour towards him to grant him pardon for that and many other offences that he had ignorantly committed.” ³⁹⁹

Wilson states that a charge was made against Somerset for embezzling some of the crown jewels; as a result, “he throws himself at the King’s feet, acknowledging the great trust his Majesty had reposed in him, and the weight of business lying on him, ought make him encounter him with some miscarriages through youth and ignorance (great employments often meeting with envy, that jostles them in the way) he therefore humbly besought his Majesty to grant him a general pardon for what was past, that he might not be exposed to the malice of those that would rest all his actions to the worst meanings.” ⁴⁰⁰

A *Præmunire* would mean Somerset had done an offense under English law of appealing to (or obeying) a foreign Court or authority, which challenged the supremacy of the crown. Originally, the offense contemplated was the introduction of a foreign power into the kingdom; hence, Hutchinson’s comment of how “Henry Howard and Somerset had combined with the Spaniards for a sum of money to deliver them up the English navy.”

Whenever it is said that a person by any act incurs a *Præmunire*, it is meant to express that he thereby incurs the penalty of being out of the crown’s protection, of having his lands and tenements, goods and chattels, forfeited to the crown, and his body remain in prison during the Sovereign’s pleasure. Whatever the real reason for this pardon, nothing came of it; and Somerset gives us his explanation for it at his trial:

³⁹⁹ Fulke Greville, *The five years of King James*, (London: W.R., 1643).

⁴⁰⁰ Wilson, *The History of Great Britain, Being the Life and Reign of King James the First, Relating to what passed from his first Access to the Crown, till his Death*, (London: Richard Lownds, 1653).

“For my endeavouring to get a pardon, having had many things of trust under the King, and the custody of both the Seals, without particular warrant, I desired by this means to be exonerated. And for all general words, the lawyers put them in without my privity. And for the precedent of the largest pardon, which I had from Sir R. Cotton, it was upon this occasion Sir R. Cotton said, ‘in respect you have received some disgrace in the opinion of the world, in having past that pardon which the last summer [1614] you desired, especially seeing there be many precedents of larger, I would have you now get one after the largest precedent, that so by that addition you might recover your honour;’ and upon this I had him search for the largest.” ⁴⁰¹

Greville further tells us how “the King still bearing a good affection towards Somerset, bid him draw his pardon and he would sign it. Whereupon he makes his repair to Sir Robert Cotton, and entreats him to look him a pardon, and the largest he could find in former precedents; so he brings him one that was made by the Pope to Cardinal Wolsey, the effect of which was: ‘That the King, of his mere motion and special favour, did pardon all and all manner of Treasons, Misprisions of Treason, Murders, Felonies, and Outrages whatsoever, by the said Sir Robert Carr, Earl of Somerset, committed or hereafter to be committed;’ ⁴⁰² with many other words to make it more ample and large, according to form which he caused to be drawn and engrossed, and brought to the King.” ⁴⁰³

By July 20, 1615, the pardon of Somerset was fully discussed at the Privy Council in the presence of the King; at the end of the debate, James signed the pardon and ordered Ellesmere to seal it. However, after the King had left the Council, “private influence was brought to bear on him, [Ellesmere,] and the pardon was left unsealed.” ⁴⁰⁴

Wilson affirms that the Queen was the “private influence” to stop the sealing of the pardon till the King returned from “his progress in the West,” which is not improbable.

⁴⁰¹ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

⁴⁰² “The wording of this pardon,” Nichols stated, “if such a pardon was made out, particularly the conclusion ‘hereafter to be committed,’ certainly requires better authority than the writer now quoted. Arthur Wilson, however, declares that Somerset obtained ‘a general pardon, ample and full, that it rather exceeded than took rise from any former precedent.’”

⁴⁰³ Fulke Greville, *The five years of King James*, (London: W.R., 1643).

⁴⁰⁴ Madrid Palace Library Manuscripts #2030: Correspondence of Sarmiento to Lerma (July 28, 1615).

Somerset demanded the reasons from the Lord High Steward Ellesmere, as to why his pardon had not been sealed. It is uncertain if he was told the King had approved the sealing of it; but what Ellesmere told Somerset was that he “could not justify the doing it, because he should incur a *Præmunire* as well as himself,” if he sealed it.⁴⁰⁵ It was quite easy now for those around Somerset, who used to solicit him for his favours, to give him false information and/or so instructed, either by the Queen or the King himself.

The Overbury case, upon inquiry, “was found to be so grave,” Spedding tells us “that it was thought expedient to put it into the hands of Sir Edward Coke, then Chief Justice of the King’s Bench, and more practised in such investigations than any other man in England.” Spedding gives a fragment of a letter, undated and unsigned, and without anything to indicate the address, “but written in Winwood’s hand, who was at that time in attendance on the King, and represents the King’s instructions on giving Coke the Commission, suggested by Elwaies’s declaration,”⁴⁰⁶ which we first give.

This declaration proves why Elwaies was chosen to be first approached as opposed to Weston who could not write down and present a declaration which was a necessity to begin drawing in the little fishes.

Sir Gervase Elwaies’s Declaration to the King

(September 2, 1615)⁴⁰⁷

I received a command from your Majesty by the mouth of Mr. Secretary [Winwood] that I should freely set down in writing what I did know concerning the death of Sir Thomas Overbury.

I humbly beseech your Majesty to believe I fear the face of no man in respect of doing what your Majesty command me, but there is an honour in every poor gentleman, and in obeying your Majesty I must commit mine into your gracious protection. When it pleased your Majesty to make me your own choice for this place, I found Overbury a prisoner here.

I put a keeper called Weston over him [Overbury] preferred unto me by Sir Thomas Monson (as he did divers others), and with request that he might be a keeper unto Overbury.

⁴⁰⁵ (a) Fulke Greville, *The five years of King James*, (London: W.R., 1643); (b) Wilson, *The History of Great Britain, Being the Life and Reign of King James the First, Relating to what passed from his first Access to the Crown, till his Death*, (London: Richard Lownds, 1653).

⁴⁰⁶ James Gardiner, *Studies in English History*, Vol. XVIII, p. 313, (1881).

⁴⁰⁷ State Papers, dated September 10, 1615: Vol. 81, No. 86.

Not many nights after I had placed him there, Weston did meet me (being ready to carry up his [Overbury's] supper), and asked me whether he should give him that which he had or no[t].

I presently did withdraw him, not taking any amazement nor pretending ignorance, but, until I had discovered that which I desired, did run the same course with him.⁴⁰⁸

When I had obtained that which I desired, I did begin to terrify him [Weston] with God's eternal judgments, and did so strike him as, with his hands held up, he blessed the time that ever he did know me, with other words to that effect, over long to trouble your Majesty with.

'Why, Sir,' (said the fellow) [Weston] 'did not you know what should be done?' I protested my ignorance therein unto him, and would be glad to protest the like in the face of the world. By this means I did get the fellow assured unto me, and understood from time to time whatsoever within his knowledge could be practiced against him.

This thing [alleged poison] supposed to be given, there was now no expectation but for the effect: We were forced to give account thereof. He to them who set him on work, that he [Overbury] had extreme castings [vomiting] and other tokens, and I laboured to intimate as much unto Monson, as marveling at such an accident. [happenstance.]

[Elwaies states that they did not administer any poison to Overbury, but had to "give account" to Turner on the matter. So Weston told Turner that Overbury had been vomiting and Elwaies passed this information on to Monson. This is corroborated by Weston in his examinations we will soon come to. If anything, this declaration should have cleared Elwaies and Weston.]

The first attempt having no success, there was an advantage taken of my Lord of Somerset's tenderness towards Overbury, who sent him tarts and pots of jelly. These were counterfeited, [replaced,] and others put to be presented instead. But they were ever prevented [not given], sometime making his keeper [Weston] say 'my children had desired them;' [and] sometime I made my own cook prepare the like; and in the end, to prevent the

⁴⁰⁸ Coke, in his *Memorandum* on Elwaies's case wrote: "How did the Lieut. understand the mystery [the supper was poisoned] by these dark words?" It was a very logical question to ask and we do not know if Coke asked this question to Elwaies at his trial; only scraps have remained of the examinations and this is not mentioned amongst those scraps.

pain of continual shifts, his keeper willed the messenger to save labour, seeing he had in the house such as pleased him well.

[Elwaies, in the above paragraph, clears Somerset from sending poisonous tarts since Weston's children eat them and were never given to Overbury. Perhaps this is why the examinations are mutilated from the State Trials and kept from the public's attention. However, it is surprising this declaration escaped censorship.]

Then began your Majesty's progress, by which all colourable working was taken away, so as there was no advantage but upon the indisposition of Overbury's body. Here (as the Lord in heaven can witness) I was secure.

His [Overbury's] physician, Monsieur Mayerne (who left behind him his directions); his Apothecary (at the physician's appointment [Paul de Lobell]) an approved honest man, as I thought and still do; but, as Weston had since confessed unto me, here was his overthrow, and that which wrought it was (as he said) a clyster. This Apothecary had a servant [William Reeve] who was corrupt; £20, Weston told me, was given. Who gave it, who corrupted the servant, or what is become of him, I can give your Majesty no intelligence.

[Since Elwaies declares he does not know where William Reeve is, this shows Winwood told nothing of the Reeve incident with Trumball in Brussels or France and perhaps ambushed Elwaies (at the Shrewsbury dinner) into confessing Overbury was poisoned.]

Neither can I say directly that he [William Reeve] ever named any as a principal actor in this business, but only Mrs. Turner. If any other were consenting, they too must put the business to a point.

[It is unclear where Elwaies heard Reeve talk of the "principal actor in this business" being "but only Mrs. Turner." From his earlier saying, he did not even know where Reeve was. Perhaps Elwaies was coerced to say this in his declaration, and hence the document escaped censorship.]

The effect of that which passed between myself and Weston [on] July 25, 1614, [was] it should seem, some whispering that Overbury's death would be called in question, which came to the ears of some whose conscience might accuse them. Presently, a messenger (being a man of Mrs. Turner's) was sent unto Weston with all speech to meet this Mrs. [Turner] at Ware, but coming thither found her not. The next day she came so far as Hogsdon, where at an Inn they met.

There they agreed, that if he were examined he should truly confess who recommended him to me, [being Monson,] because in the beginning it was otherwise agreed. Weston and his Mrs. [Turner] were by appointment then to meet again at London on July 26, [1614,] whither Mrs. Turner came from Grays.

He [Weston] said he was sent to sound me whether he could perceive that I had got any inkling of this foresaid foul act or not, and if I had, whether he could perceive any desire in me to have it reaved [*sic=weaved?*] into or not, and what more he could discover in me, for he said they stood doubtful of me. This Mrs. [Turner] stayed but until his return from me.

I have herein obeyed your Majesty's command, setting down the truth. Peradventure not the whole truth. But I have set down (as I think) whatsoever is fundamental, and will be ready faithfully to answer whatsoever shall be demanded me.

ENDORSED BY SAWYER

King James to Sir Edward Coke

(partial - undated)

--...and whither was it out of his own mere motion or by the persuasion of any other, and if by the persuasion of any other by whose was it and to what end?

--Did he ever meet with him or hear word from him, either during the time of his being in the Tower or any time since, and to what purpose?

--Did he ever know of any money he received from any, and for what use?

--When was the first time that ever he heard of this vile business and by whom?

--Mayerne must be asked the state of the body when he last saw him [Overbury] and what disease he was most inclined to. Also both he and other physicians are to be asked the symptoms and effect of poison, especially being given in a clyster. ⁴⁰⁹

⁴⁰⁹ Mayerne was never called as witness to give his opinion on this.

--The French Apothecary [Paul de Lobell] is as to be asked whether he himself (or a man of his [Reeve]) ministered to the prisoner when he was in the Tower. And if his man, who this was, how often he sent him to him, and what physic, especially what the last physic was that he sent him, and if it was a clyster, as also he must be asked if he had any acquaintance with Mrs. Turner, and what it was, and whether he knew of any acquaintance betwixt his man and her, and upon what occasion.

--The crowner [Coroner of Middlesex, Robert Bright] is to be asked what report was made unto him of the form of the prison death, and what marks he saw upon his body.

--More persons may be examined and more interrogatories made, as it shall fall out in the course of the examination.

--The orderly course in a thing of this nature is: That first Weston be heard [to] tell his own tale, after a good admonition that is to be given him.

--If he [his story is] contrary [to] the Lieutenant [Elwaies,] then after once re-examining of the Lieutenant, are they to be confronted *ante omnia*; [before all;] but if they agree in one tale then is Mistress Turner to be examined, next Weston, and if they differ, after her keeping close a day or two, they two are to be confronted, then the Lieutenant to be re-examined, then Monson, then the rest of the party as occasion shall require.

In conclusion, this feet and mint must either be true or not: If both prove true, then is there no more need of examination; if the mint only prove true, then is there [a] severe trial to be taken, for finding out the ground of the lie upon the feet? But if both be false, then must there be a foul conspiracy in the business, for the finding out, and no pains is to be spared; the punishment who will be the best example that ever came in my court. But since be yet the discovery goes no further than to mean persons, the fairer, juster and stricter that the trial is, the more favour and honour it will be to those great persons to whom this business may be thought to have any indirect relation. For where innocence is not clearly tried, the scar of calumny can never be clearly cured.

On September 25, 1615, Nicholas Brett, a servant to Villiers, was killed "in the chase with a buck, in hunting with King James." ⁴¹⁰ Whether this sparked the investigation to roll in full

⁴¹⁰ State Papers, James I, Dom.

force into Overbury's death is possible, since it was now an entire year the officials had taken no action in regards to prosecuting the Overbury case, which by September 27th, Coke undertakes and a declaration by Richard Weston sees the light. The original is nowhere to be found; only a copy of someone who was reporting the content: "He [Weston] knows no cause of the sudden death of Overbury but [only of his] sickness; that some potion which Overbury took made him very ill, but that he took [a] cold in the Tower Council chamber going to see a friend in Raleigh's garden. No one ever persuaded him [Weston] to give out scandalous reports about Overbury's death." ⁴¹¹

We are not given information who this "friend" was that Overbury went to see in "Raleigh's garden," neither what date it was. But on the same day of Weston's above scrap of a declaration is given, his first examination is next written out.

1ST EXAMINATION

Richard Weston
Duchy House in the Tower
(September 27, 1615) ⁴¹² (copy)

He said and acknowledged that he, being the keeper of Sir Thomas Overbury, lately deceased, prisoner in the Tower, does know no other cause of the suddenness of his death but the weakness and corrupt indisposition of his body. He confessed that by means of a potion which Overbury took, he had threescore stools and vomits. ⁴¹³

And afterwards going into the Council Chamber in the Tower to see a friend that was in Sir Walter Raleigh's garden, he [Overbury] sat so long in a window that he was never well after. Upon the reading of this confession unto the said Richard Weston, he said, that although Overbury did tell him that he had 60 stools and vomits, yet he is not certainly assured of that number.

⁴¹¹ State Papers, James I, Dom.

⁴¹² State Paper Office; Domestic Papers, 1615, Sept. 27, No. 145.

⁴¹³ This was the "poison powder" that Somerset was charged with sending to Overbury by the latter's servant, Lawrence Davies, and Franklin corroborated "that he provided a white powder, which was poison, for my Lady [France Howard] called it *arsenic*; which, as my Lady did afterwards tell him, was sent to Sir T. Overbury in a letter."

Weston's above examination reconfirms what he declared; that Overbury caught a cold after visiting a friend and was given "a potion" that had a bad effect on his already ailed health. Weston's second examination follows, which was taken the following day.

2ND EXAMINATION

Richard Weston

Duchy House in the Tower

(September 28, 1615) ⁴¹⁴ (copy)

This examinant being demanded whether he had speech with the Lieutenant of the Tower, and signified to him that he had a purpose to poison Overbury.

First, he utterly denied it; but afterwards he said how that meeting with Elwaies [in the Tower] he showed him a glass with a water in it, which he did not like; whereupon Elwaies asked him what a wretch was he that had to do with such a thing; and thereupon he threw the glass and water away.

Being demanded who gave him that glass and the water.

First he denied that he knew who gave it him, but afterwards he said he had it of one [James] Franklin, dwelling, as he said, on the backside of the Exchange. He had seen Anne Turner lately about some private property; was not prompted to conceal anything.

* * *

If anything, Weston should have been asked how Elwaies knew the "glass with a water in it" had poison; he was not asked this.

His third examination was taken the next day, and is a mere scrap: "Mrs. Turner told Weston, [that] Somerset would reward him if he would give Overbury what she sent him, which he received from Franklin, of Tower Hill. Acknowledges the truth of Elwaies's relation to Overbury's death." ⁴¹⁵

And a fourth examination followed on October 1st.

⁴¹⁴ State Papers, James I, Dom.

⁴¹⁵ Ibid.,

4TH EXAMINATION

Richard Weston
Duchy House in the Tower
(October 1, 1615) ⁴¹⁶ (*copy*)

Weston stated in this examination that after he had obtained a place in the Tower as keeper to Overbury and having served Anne Turner [as a servant] and often seen her at Frances Howard's household, Turner told him to go to Whitehall where the house was. There, in the presence of Turner and Frances Howard, he was required to give Overbury a water which would be sent to him, but forbade him to drink it, saying it would do Overbury no harm; yet Weston perceived, or at least suspected, it should be poison. Frances Howard further told Weston that if he would do this, he would be well rewarded.

Soon after, Weston having a son named William, who at that time was apprentice to an haberdasher and served Frances Howard with fans of feathers and other wears, brought his father a little glass full of water, of a yellowish and greenish colour, which when Weston received it, he acquainted Elwaies with it, stating it was poison, who very Christianly rebuked him, and so terrified him with God's judgment as Weston thanked God on his knees that he had acquainted him with it; and yet Weston carried away the glass with water with him, and set it in a study or inward room belonging to his chamber.

The next day, Weston in the presence of Elwaies, cast the contents of the glass into a gutter and broke it. He protested that his son was no way privy or suspecting that it was poison, who dwells at Temple-bar at the Beaver Hat. Not telling Turner, he [Weston] poured the liquid into a gutter and broke the glass. He just informed her he had given the water to Overbury, and that it had made him very sick, which took effect a sevenight [week] or fortnight after.

About a fortnight (or three weeks) after the event, James Franklin, a physician, who was well acquainted with Turner, came to the tavern of the White Lion on the Tower Hill, and sent one of the servants of that tavern for Weston who was at the Tower.

Weston met up with Franklin who asked him how Overbury keeps. Weston said, 'not very well, for he takes much physic and many clysters;' upon hearing this, Franklin said that

⁴¹⁶ State Paper Office; Domestic Papers, 1615, October 1 & 2, No. 160.

Apothecary [Reeve] should have £20 to give him a clyster. Weston was surprised; 'What,' he said, 'the Apothecary that used to give him clysters?' But Franklin said 'No, another shall give it [to] him.'

[Notice how the above builds a path that leads away from charging Overbury's Apothecary, Paul de Lobell. Weston says Overbury had "many clysters" given to him. The only individual who could do this was Lobell who had been assigned to Overbury as we shall see in Lobell's examination. But Franklin clears any guilt on Lobell by saying the other clyster would be administered by another Apothecary for £20. But this was not another Apothecary; this was William Reeve who was the assistant to Lobell.]

Weston informed Elwaies of this other Apothecary [Reeve] but was charged [ordered] that none should come thither but the former Apothecary [Paul de Lobell] (or his man [Lawrence Davies]). Weston noted that no other [Apothecary] came at any time, or gave any clyster to Overbury.

[In the above last paragraph, Weston clears not only Lobell and Reeve, but clears the insinuation that Overbury was given a fatal clyster on September 15, 1613, which was suspected to have caused Overbury's death. And this is crucial evidence to consider if Overbury was ever murdered.]

Weston noted Overbury had a most disabled and unhealthful body, and had an issue [wound] in his left arm, and plasters on above the temples, on the left side of his head, and on his back, and the sole of his left foot. Which plasters for the sores his own servant Lawrence Davies brought unto him, and said that he had all the sores and plasters about him before he came into the Tower, saving that on his back.

Weston mentioned Overbury died on a Wednesday morning, about 06:30 being September 15, 1613; and that he came to Overbury the night before (September 14th) since he heard him groan exceedingly. Weston removed Overbury from his bed to another bed, which was in Weston's chamber.

So we now learn that Overbury was removed from his cell the night before he died and transferred into Weston's chambers in the Tower. This would mean Overbury died in Weston's chambers and not in the West side of the Tower as Coke had stated according to the Statutes before the trial began.

Weston then concludes that Overbury sent him on an errand "to fetch some drink; and he being gone from him not above a quarter of an hour to my Lord Grey's for beer, at his return he found him dead, which was about seven of the clock in the morning."

We remind our readers of what Elwaies wrote on the back of a letter he received from Henry Howard after Overbury died; it stated the time was "about five o'clock in the morning" when Overbury died.

Weston ended his examination by taking back what he had said about Franklin delivering him the glass with the coloured liquid which he poured down the drain since it was his son (William) who had undertaken that errand.

Soon after Weston was arrested, and Somerset had returned to London, the pseudo physician, James Franklin, was sent for to the Cockpit and there was met by Frances Howard who "swore him again to secrecy." She told Franklin that since Weston had been arrested, it was logical his arrest would soon follow, "and that they should all be hanged." She then went into an inner room, "to speak with one," whom Franklin "verily believes to be my Lord of Somerset." Returning, she tells Franklin "that the Lords, if they examined him, would put him in hope of a pardon upon confession. 'But,' said she, 'believe them not; for when they have got out of you what they would, we shall all be hanged.'" ⁴¹⁷

The above scene at the Cockpit was corroborated by Anne Turner's maid, Mary Erwin: "Mrs. Turner sent her for Franklin, to bring him to the Cockpit at ten o'clock at night; and is sure that night my Lord of Somerset came from Court, and was at the Cockpit when she came."

As we saw, Weston was examined on September 27th, 28th, 29th, and October 1st of the year 1615. He was told at Frances Howard's house in Whitehall to give Overbury "a water," which would be sent to him; Frances Howard would reward him for this. Present was also Anne Turner. Weston received the content by William his son, though in his previous

⁴¹⁷ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616.

examinations he noted it was Franklin. We do not know why this irregularity happened and perhaps Weston, as a father, wanted to protect his son at the time.

In regards to Weston having some suspicion “a water” contained poison, it is peculiar he did not inform the authorities. Even more peculiar, he did not connect this attempted poison on Overbury with the case of Mary Woods that was screaming over Jacobean rooftops since 1612 that Frances Howard wanted to poison her husband. Regardless of what we think, we are told Weston poured the content of the glass in the gutter and broke the glass upon Elwaies’s advice. This tends to point to the fact, that at least on this occasion, Overbury escaped being poisoned, and it favours Weston and Elwaies’s positions in the case.

Weston does not inform Turner he did not give Overbury the glass content, but lied to her saying Overbury became sick as an after-effect, a week or fortnight later. It is unclear why Weston kept this information from Turner, at least at this point in time. We believe that if he had told her the truth, she may have refused to pay him.

It should be remembered Weston was nothing more than a servant, which in those days, were less fortunate than servants in today’s society. The servants of those days were lucky if they saw a wage in their hands, since their boarding and food was considered an advantage that the poor citizen did not have.

So Franklin meets with Weston and asks how Overbury’s health is; informs that an Apothecary (William Reeve) will visit Overbury to administer a clyster and Reeve will be paid £20. We do not see any reason for the reward of £20 to be mentioned to Weston, since he would not get this money but someone else would. Furthermore, Reeve could not be asked how much he got and if he got anything, or what he did to Overbury and if he did anything, because he had died after giving all his information to the spy Trumball in Brussels or France. It was very convenient for the government to throw whatever story they wished on Reeve’s shoulders, since he could not defend himself; if the stories forwarded the plot, nobody cared what was true or not.

Weston informs Elwaies about Reeve’s potential visit, but is told that no other Apothecary besides Lobell or Overbury’s servant (Lawrence Davies) should visit Overbury. In the end, Weston said no other Apothecary came at any time, or gave any clyster to Overbury. This should have cleared Weston. In addition, Weston stated Overbury did not die in his cell, but in Weston’s chamber, on Wednesday morning about 06:30 on September 15, 1613. This information is interesting and was never probed into further.

As soon as Weston's last examination was over, another is conducted being the Coroner's who saw Overbury's body. The original examination is no longer extant and only a copy exists, which was written by someone who attended the examination.

The Examination of Robert Bright
Coroner of the County of Middlesex
(October 1, 1615) ⁴¹⁸ (*copy*)

He said that Mr. Lieutenant [Elwaies] of the Tower sent for this examinant on the morning that Sir Thomas Overbury died, [no time was given,] to take the view of the dead body of Sir Thomas Overbury; and accordingly he came to the Tower, and thereupon, by the direction of Mr. Lieutenant, whom this examinant saw, he made a warrant to the under-bailiff of the Tower to summon a jury, who accordingly did [create] of six Warders and six others; and thereupon this examinant and the jury took a view of the body, and found the body so bare as in effect it was consumed away, having nothing but skin and bones, and the body very lank. [shrunk.]

And said that he found a black ulcer of the breadth of two fingers, and all black round about it, betwixt the two shoulder blades; and in the brawn of the left arm he had an issue [wound] kept open with a little bullet of gold, and had a plaster on the sole of one of his feet, and on the belly of him two or three blisters of the bigness of a pea, as yellow as amber.

And said that he took the verdict of the inquest in the afternoon; but said that he returned not the verdict unto the King's Bench as he ought to have, and the cause thereof was (as he said) for that the City of London, who claims to be Coroner there, should have no action against him. Being demanded whether he had any fee or reward for doing his office, denied that he had any to this day, and denied also, that he had been solicited or conferred withal by any person about this matter.

* * *

Notice how a Coroner from Middlesex was requested to view Overbury's body as opposed by a London Coroner; this was because those at the time around Overbury's body knew that he did not die in a chamber on the West side of the Tower which would be in the jurisdiction

⁴¹⁸ State Paper Office; Domestic Papers, 1615, No. 159.

of London. No London Coroner was ever brought in to be examined at the trial, and only concludes for us that no other Coroner saw the body except for Robert Bright who had also been involved in Mary Woods's case on October 2, 1613.

As soon as the Coroner's examination was out of the way, Anne Turner's examination begins on October 1, 1615. Not to sound redundant to our readers, Turner's original examinations are no longer extant either; only copies which were taken by someone, who was generous enough to produce one sentence: "She denied all knowledge of poison given to Overbury by Weston, or of money sent to Weston by Frances Howard."⁴¹⁹

The government had not yet finished with Weston; he was examined for the fifth time at the Duchy House in the Tower on October 2, 1615; he has still not been arraigned, and is only being questioned to give information to the authorities: "Weston now confessed that Frances Howard, by one of her servants, whose name he knows not, sent a little pot of white jelly, knowing what to do with it; but fearing it was poison, cast it into a homely place, and never delivered it to Overbury as was intended, and the like he said for the tarts that were sent."⁴²⁰ Weston also stated he received £40 as a reward and another £100 from Frances Howard given to him by Anne Turner. A further revelation came when Weston stated how an Apothecary's partner (or servant) always administered Overbury [medicine]; he dwelt in Lime-street, and married the sister of the King's Apothecary, [Lobell] and is a Frenchman, but his name he remembered not."⁴²¹

Weston then noted that Overbury was sick about a month before he died, and "decayed much in that sickness; and remembered not whether he was sworn to the Coroner's inquest or not, but remembered the Coroner (Robert Bright, Coroner of the County of Middlesex) was there and asked how long Overbury had been sick; Weston told him, as he remembered, a month," being all August of 1613.

In conclusion, Weston stated that the night before Overbury died, on September 14, 1613, his servant Lawrence Davies, "now butler to Mr. Lieutenant [Sir George More] lay with him." But remember reader what Weston said in his 4th examination given on October 1, 1615, that on the night of September 14, 1613, he heard Overbury "groan exceedingly," so

⁴¹⁹ State Paper Office; Domestic Papers, 1615, October 1 & 2, No. 160.

⁴²⁰ State Paper Office; Domestic Papers, 1615, October 2, No. 162.

⁴²¹ State Paper Office; Domestic Papers, 1615, October 1 & 2, No. 161.

removed the prisoner from his bed to another bed, which was in Weston's chamber; he does not mention Lawrence Davies was present.

Weston further affirmed that a sum of £20 was given to an Apothecary (Reeve) to administer a clyster. He does not confirm to us if the clyster was given or not; he just reconfirms the amount that Franklin told him when they met at the White Lion tavern on Tower Hill. On the same day, October 2, 1615, Weston's son was examined and reconfirmed his father's testimony that he "took a glass of water from the Countess of Essex, to whom he had carried a feather, to his father in the Tower."⁴²²

This was the only time William Weston was examined.

October 3, 1615, Paul de Lobell is examined. He said that Overbury had suffered from consumption, and that he never administered any physic to him, but by the advice of Mayerne, and this he could prove from "Mayerne's written physic in his medical journals." However, this medical case of Overbury's is no longer extant, and must have gone missing when Lobell handed it over to Coke: "28 leaves or pieces of paper, great or small, which is all the physic that this examinant administered," in regards to Overbury's illness. We do not know where Coke placed these "28 leaves or pieces of paper;" to this day are lost.

Lobell further stated: "When he came thither [to the Tower] he saw sometimes waters, and other things, which Overbury had not from him, neither does he know from whom he had them. And said that he saw plasters upon Overbury's back when he was dead, which he had not from him, neither [does he] know what those waters, plasters, or other things were; neither did Overbury ever tell him of them."

So Lobell tells us he noticed "plasters upon Overbury's back" when he saw the body; this would mean someone called him to examine the body the same time Robert Bright (Coroner of the County of Middlesex) examined the body. However, the Coroner never mentioned Lobell being present when "he made a warrant to the under-bailiff of the Tower to summon a jury, who accordingly did [create] of six Warders and six others; and thereupon this examinant and the jury took a view of the body."

If Lobell, the King's Apothecary, had been present, it is sure Coroner Bright would have mentioned it. Lobell's statement cannot be corroborated, at least not by any documents that have come down to us.

⁴²² State Paper Office; Domestic Papers, 1615, Oct. 2, No. 162.

On October 4, 1615, a servant of Somerset's called Giles Rawlins is examined. Whatever Rawlins would be examined upon and what his answers were cannot be taken without suspecting his intentions, because Digby, in December 16, 1615, wrote to the King that Rawlins had opened his dispatches which concerned the investigation of the Spanish pensions and the King of Spain had been notified. This was discovered by Digby's confidant (Santander) who had been put to the rack in Spain to confess what information had been given to Digby. Being that Rawlins was a snitch, if you will, not much of what he said should concern us.

Examination of Giles Rawlins

(October 4, 1615)⁴²³ (*original*)

About ten days [May 10, 1613,] after Overbury was committed to the Tower, [on April 30, 1613,] my Lord [Somerset] commanded me to use his name to Sir Robert Killigrew for one of his vomits, but willed me neither to let him nor any other know what use his Lordship had appointed me to make of it, which was, that I should send it enclosed in a letter from myself to Overbury; the substance whereof was, that my Lord would have him use some means to make himself sick, that he might have a ground to work upon for the speedier obtaining of his liberty, and that I had received the vomit [emetic] from Sir Robert Killigrew's own hands. According to these instructions I wrote, and sent in the vomit enclosed in the letter by Weston.

[Indorsed in Coke's handwriting] Rawlins, a vomit, and sent by the Earl [Somerset], and of Lawrence [Davies.]

It seems peculiar Rawlins would support the event that Somerset told him to get some emetic for Overbury to fake sickness. We remind our readers of Lidcott's letter to Overbury, written August 22, 1613: "Sir, for me to acquaint Sir Robert Killigrew with this business [of acquiring emetics] were preposterous; for I know no man my Lord [Somerset] more mislikes, and that it should be concealed from him he desires nothing more. Wherefore for him to speak in it would but more enrage him, and do you no good, but harm."

⁴²³ State Paper Office ; Domestic Papers, 1G15, Oct. 4, No. 170.

The State Papers gives a comment on Rawlins's examination and how he "was taxed with indifference, being cousin-german of Sir Thos. Overbury, for not inquiring into his death; sent a petition to the King, that it might be examined into by law rather than by the Council; was not dissuaded by anyone from the prosecution; and, could not see Overbury at his window as usual, for a fortnight before his death."

On the same day Rawlins was examined, someone called Elianor Dunne was examined; this individual said that they were "called to lay out Overbury's body, and found on him many yellow blisters." ⁴²⁴ It is peculiar Dunne was "called to lay out Overbury's body" because Elwaies, in his handwritten letter (behind Henry Howard's initial letter with instructions to Overbury's burial) did not mention this and only said "who did wind him I know not."

On October 5, 1615, came Thomas Monson's examination. The original is no longer extant, and is a copy of someone who was reporting what happened. In his examination, Monson said he recommended Weston to be Overbury's "under-keeper," at the request of Frances and Henry Howard. We can only verify Monson's saying that he had recommended Weston to be Overbury's "under-keeper," from Elwaies's declaration to the King written on September 2, 1615: "I put a keeper called Weston over him [Overbury] preferred unto me by Sir Thomas Monson (as he did divers others), and with request that he might be a keeper unto Overbury." Whether the recommendation of Weston as "under-keeper" actually came from the Howards has never been corroborated by the latter, at least not by Frances Howard since Henry Howard was dead by the time Monson's examination was taking place.

Monson then stated he had requested Elwaies not to allow Overbury any visitors or receive letters, and advised him to search any tarts or jellies sent for letters. This recommendation was coming from the King who expressed Overbury be kept a close prisoner, regardless of what Monson said at Somerset's trial, and that it was Henry Howard and Somerset who ordered Overbury's close confinement.

The same day as Monson's examination was being conducted, a man called Simon Merston was examined; if this was the same Simon the musician, the sweet toothed one, is very possible. Merston was the King's musician and servant to Monson. The musician was employed in carrying jelly and tart to the Tower, which used to be made by John Feryre, the former Master Cook to Prince Henry. Upon Simon's examination, "for his pleasant answer,

⁴²⁴ State Paper Office; Domestic Papers, 1611-1618. No. 27.

was instantly dismissed,” Welldon notes, Coke questioned the musician at this early point of the Overbury trial by telling him, “Simon, you have had a hand in this poisoning business.” But the musician replied, “No, my good Lord, I had but one finger in it, which almost cost me my life, and at the best cost me all my hair and nails.”

Simon the musician was somewhat a sweet tooth, “and finding the syrup swim from the top of a tart as he carried it, he did with his finger skim it off, and it was to be believed had he known what it had been, he would not have been Overbury’s taster at so dear a rate.”⁴²⁵ Simon the musician testified that he “carried small tarts and jelly for Overbury, from the Countess of Somerset to the Lieutenant [Elwaies] of the Tower, to whom alone he was ordered to give them.”

Another examination came on this same day from John Woolf Pomler a French Apothecary, who testified he was never appointed to “minister” any drugs to Overbury; but, at the commendation of Mayerne to the King, Paul de Lobell was instead appointed, “because he dwelt near to the Tower, in Lyme Street, to minister such physic as Mayerne should prescribe.” Pomler never wrote to Elwaies about any admittance to administer any drugs to Overbury, nor that “it was the King’s pleasure he so should do;” neither did he suggest to the King that Lobell take that position.⁴²⁶

This was Pomler’s only examination.

The following day, October 6, 1615, Weston’s 6th and final examination sees the light through a copier. On this occasion, Weston testified he did not know Simon Merston the King’s musician and servant to Monson, which left Merston’s testimony open and unable to be verified, since he “carried small tarts and jelly” for Overbury and gave them to Elwaies, “to whom alone he was ordered to give them.” So why Weston was examined upon this as opposed to Elwaies is uncertain. In addition, Weston remembered the name of the French Apothecary; however, Lobell had already been located and questioned four days earlier on October 1st and the previous day Pomler noted that it was Lobell who had been assigned to Overbury in the Tower.

Even so, Weston remembered Overbury “had divers baths given to him;” the last given “two or three days before he died, and when Overbury received a clyster, given him by Paul

⁴²⁵ Sir Anthony Welldon, *The Court and Character of King James I* (1650).

⁴²⁶ State Paper Office; Domestic Papers, 1615, Oct. 5, No. 176.

de Lobell.”⁴²⁷ Weston then said he received letters from Lawrence Davies (Overbury’s servant) which came from Somerset and to be delivered to Overbury. When asked if any powder was in these letters or if he returned the powder to Somerset, Weston denied either.

Closing Weston’s examinations, he rambled how he “was brought up a tailor, but did not follow the trade; had served several masters; was once committed for coining sixpences.”

Let us summarize all six examinations that Richard Weston gave from September 27 till October 6, 1615, because it was based on this individual that the government could call in the other little fishes.

- Employment: Servant to the Turners and Elwaieses; “under-keeper” in the Tower.
- Accommodation: Turners; Elwaieses; chambers in the Tower.
- Task: (1) His son (William) delivers “a water” which is not given to Overbury under Frances Howard’s instructions though would be rewarded. (2) Received “a little pot of white jelly” from Frances Howard, but did not give it to Overbury.
- Falsehood: Informs Turner that Overbury had side effects for a week or fortnight.
- Meeting: In a tavern with James Franklin; informed William Reeve will be paid £20 to administer Overbury a clyster. No one came.
- Statement: Overbury died in Weston’s chambers, on Wednesday morning about 06:30 on September 15, 1613. Lawrence Davies was present the previous night.
- Payment: Received £40 for allegedly administering the “water,” the “little pot of white jelly;” received £100 from France Howard given to him by Anne Turner.
- Information: (1) Named Overbury’s customary Apothecary to be Paul de Lobell. (2) Overbury was sick all August of 1613. (3) Paul de Lobell gave Overbury “divers baths,” the last given “two or three days before he died” including a clyster. (4) Received letters for Overbury from Somerset via Lawrence Davies; no powder in the letters or any returned to Somerset.

There is no evidence up till October 6, 1615, which could find Weston guilty of poisoning Overbury, only perhaps of assuming Overbury was being poisoned and not disclosing it. Furthermore, Weston’s position leans towards some mercy shown to Overbury for removing

⁴²⁷ MS. State Paper Office, 1615, Oct. 6. No. 166.

him from his cell and into his chambers, and to keep the perpetrators happy and to guarantee his reward, Weston creates a false impression to Frances Howard and Anne Turner telling them he had administered the alleged poisons. Finally, Weston directly accuses Lobell of administering a clyster a few days before Overbury dies; so, if anyone looks suspicious in October 1615, it was Paul de Lobell, the King's Apothecary.

On October 7, 1615, Lawrence Davies was examined. His original examination is no longer extant, but we are told that Davies said Somerset wrote letters to Overbury during his imprisonment: Weston, "not being able to read did many times request Davies to read the letters Overbury received;" he was told by Somerset a powder enclosed would make Overbury sick, being an emetic, which would "move the King" for Overbury's liberty, though "the time he certainly knows not." After Overbury died, Davies stated "he saw in Weston's hands part of the white powder, which Weston said he would deliver back again to Somerset." Weston denied this.

In the meantime, on October 12, 1615, Anne Turner forwards her petition to Coke. Being original, we give it in full.

**To the Right Honourable Sir Edward Coke, Knt., Lo. Chief Justice of England, and one of his
Majesty's most Honourable Privy Council**

(October 12, 1615) ⁴²⁸

The humble petition of Anne Turner, widow, humbly shows that whereas it has pleased your Lordship, upon the malicious and scandalous accusations of your petitioner's suborned adversaries, for these twelve or thirteen days, to restrain her of her liberty, and to keep her close from the access of any of her friends unto her, or of any servant of hers to attend her, which had heaped much sorrow and affliction upon her distressed mind, and sickness upon her weak and feeble body, so as she is thereby brought to great weakness and extremity, besides her hindrance and distraction from business of greatest importance which at this time lay upon her. And that your petitioner had been by your Lordship three or four times strictly examined of matters whereof your petitioner hopes your Lordship is fully satisfied that she is most clear and innocent.

⁴²⁸ State Paper Office; Domestic Papers, 1615, [October,] No. 190.

Your petitioner humbly prays that in tender consideration of the premises, as also in regard of many poor fatherless children, which in the time of your petitioner's close restraint, endures much grief and distress for lack of such comfort as by your petitioner's liberty, they are wont to receive your Lordship, would be pleased to do her that justice, which she hopes cannot be denied to the meanest of his Majesty's subjects, that if in your Lordship's judgment she be found guilty she has been most falsely and injuriously accused, she may come to her speedy ⁴²⁹ and ordinary trial in due course of law.

If otherwise, that she may no longer be suffered to languish in that miserable sickness and heaviness which she now endures, only to give content to her malicious adversaries; but that upon putting in sufficient bail to be at all times ready to appear before your Lordship when-so-ever she shall be called for, she may be enlarged. And your petitioner and her poor children shall be bound daily to pray for your Lordship.

In the following letter, the King tells Coke -indirectly- to brush aside Turner's petition.

King James to the Lord Chief Justice Coke

Although since our coming from London we have heard nothing from you concerning the matter committed to your trial at our departure, yet having understood by our Secretary [Winwood] that Mrs. Turner, after divers examinations, has exhibited [a] petition desiring to be set at liberty upon bail, we have thought good to advertise [to] you that if it be a thing accustomed by the laws of England, in matters not of treason but only of murder, to set parties at liberty upon bail after their full examination, if there be no ground of their guiltiness apparent, we would be loth [in hate] to refuse unto her that which in the like cases is usually granted to others, lest we should seem by your actions to incline more to one side than another, and not keep that upright indifferency whereunto Kings and their Ministers of Justice are in conscience bound.

But herein we remit ourselves to your judgment and experience, not doubting but you will proceed as a true dispenser of our conscience and depository of that which we spoke unto you at our departure, and that you will duly administer justice without passion or respect of persons, assuring you that we will require nothing to be done in all this business but

⁴²⁹ These words, "speedy trial," are at this place found in the margin of the petition in Coke's handwriting.

according to the due course of law, and that your chief care be ours, neither to incline to the right nor left hand, the trial of the verity of the fact, or falsehood of the surmise or calumny, being alike welcome to us. What your opinion is, either upon the depositions of parties examined, or any other trial, we desire to understand by your own close letter direct to ourselves, which you may send by packet to our own hands, wherein we promise the like secrecy as we gave you in charge. We likewise require you to inform yourself by the judges of the circuit of Lancashire, of the circumstances of that murder, the discovery whereof was so admirable, and to advertise us particularly of the same.

October 13, 1615, Lawrence Davies gives a second examination where he noted Overbury was “very temperate, cheerful, and healthful; had no complaint but the spleen, caused by study, for which he had an issue [wound] and sometimes took medicine and had plasters. He thinks Somerset persuaded him not to go on the Embassy.” Davies’s examination is based upon hearsay.

Two days later, Lobell goes for his second examination and stated he was ordered on July 3, 1613, just two months after Overbury’s imprisonment, to bathe the prisoner under the advice of “Dr. Micham to cool his body, and that he saw his body very exceeding air and clear; and again, he saw his body, being dead, full of blisters, and so consumed away, as he never saw the like body.” If we travel back to Lobell’s first examination of October 3rd, he told us whatever physic he administered to Overbury, was “by the advice of Monsieur Mayerne, the King’s physician;” now, twelve days later, he mentions the advice to bathe Overbury was given by a “Dr. Micham.”

We can conclude how Lobell’s examinations are contradictory.

This same day, and before Somerset approached London, his wife was apprehended; she was first put in charge of the Sheriff of London; then on March 27, 1616, she was taken from the Sheriff Smith’s custody and transported to the Tower.

The exact date of creating the Commission for the case must have been before October 17, 1615, as noted by Spanish Ambassador Gondomar’s letter of October 15th, where he states the first meeting of the Commissioners was on October 16, 1615. This would be three days before Weston is put to his trial when he stands “mute.” The following letter was

written from the King and sent to Somerset, evidently soon after the appointment of the Commissioners. It shows that Somerset had vehemently remonstrated against the act, and exhibits the state of the King's feelings towards his former favourite. In addition, we believe Bacon had much to do in setting down the points given in the letter.

King James to the Earl of Somerset ⁴³⁰

I need not to answer your letter, since Lenox has long before this time told you my resolution on that point; whereupon you have bestowed so much scribbling and railing, covertly against me and avowedly against the Chancellery. Yet can I not abstain partly for satisfaction of my own heart, and partly for satisfying you and your ally [Frances Howard] with reason (if reasons can satisfy you) to send you these few observations upon your letter. In a business of this nature [of poison,] I have nothing to look unto but first, my conscience before God, and next my reputation in the eyes of the whole world. If I can find one man stricter than another in point of examination, I am bound in conscience to employ him in it; and when in my conscience I have set down a course, to change it at the instance of the party, without any other reason, but because they will have it, it wear little for my honour.

That I was too faint in not resisting the superb Judges' willfulness, I confess I ever was and will be faint in resisting to the trial of murder and as bold and earnest in prosecuting the trial thereof.

And as my proceedings from the beginning of this business have been only governed by the rule of my conscience, as the Searcher of all hearts knows, so must I, to my great regret, confess and avow that from the beginning of this business both your father-in-law [Thomas Howard] and you, have ever and at all times behaved yourselves quite contrary to the form that men that wish the trial of the verity ever did in such a case.

And how far it is now out of time, after that the Chancellor [Ellesmere] had served me more than thirteen years with all honour and faithfulness, having ever been a Regalist, to rake up from the bottomless pit the tragedy of my poor mother, I appeal to your own judgment. ⁴³¹

⁴³⁰ James Gardiner, *Studies in English History*, Vol. XVIII (1881).

⁴³¹ The King alludes to when Sir Thomas Egerton (Chancellor Ellesmere) took part in the trial of Queen Mary in 1586, and advised that in her indictment she should only be styled "commonly called Queen of Scots," to avoid scruples about judging a Sovereign. No doubt Somerset reminded this fact to the King.

Then why should I be thus needlessly vexed? This warrant stretches only to examination, wherein no innocent persons can get wrong; and since the Chancellery sees himself so suspected, is it to be thought that he dare utter any partiality? And if you will need suspect the worst (which is neither likely nor possible), were it not a more handsome way for my reputation that he [Sir Thomas Egerton] might be privately advised to be silent when he were there except in yeas or noes; or else in regard of his age and infirmities, and his many businesses in the term time, to make his appearance but very seldom? And so forbear to give any opinion, as not acquainted with the course of the business. And as for the external show of my election of him in disfavour of you, first, I am sorry the world should see you except against so grave a man; and next, the more severe choice I make of persons for examination, the more it is in your favour, if honour and trial of innocence be your end.

Now, as to your motion in putting all the Judges in this warrant, if you mean for trial in law, I never meant it otherways; but if you mean for examination, it is more than absurd. And whereas you alleged that great Counselors were never employed in the examination of a thing of this nature, I say the quite contrary is true, when as the circumstances or articles of the trial may reflect upon any great personages; in which case the Judges dare never presume to meddle without better assistance. To conclude then, I never had the occasion to show the uprightness and sincerity that is required in a supreme Judge as I have in this. If the dilation proves false, God so deal with my soul as no man among you shall; so much rejoice at it as I nor shall ever spare, I vow to God, one grain of rigor that can be stretched against the conspirators. If otherways (as God forbid), none of you shall more heartily sorrow for it; and never King used that clemency as I will do in such a case.

But that I should suffer a murder (if it be so) to be suppressed and plastered over, to the destruction of both my soul and reputation, I am no Christian. I never mean wittingly and willingly to bear any man's sins but my own; and if for serving my conscience in setting down a fare course of trial I shall lose the hearts of that family, I will never care to lose the hearts of any for justice sake.

Fail not to show this letter to your father-in-law, [Thomas Howard,] and that both of you read it twice over at least; and God so favour me as I have no respect in this turn but to please him in whose throne I sit. And so farewell; praying the author of all verity to make the clear verity to be plainly manifested in this case.

JAMES R.

All this going on, whilst “a great hostility is brewing up at Court against the Earl of Somerset.”⁴³² The offended, if they can be termed that way, were now being dug up from under the Jacobean Court floorboards against Somerset. The more said against him, the better. Yet, it seemed like Coke and the Judges could not find enough evidence to actually charge Weston with poisoning Overbury; and if they could not find Weston guilty, it was very likely they would never find anything against the others who were yet to be arraigned; hence the necessity of Coke to bring in a “divine” as he called him, who was Dr. Whiting, the King’s Chaplain, to “press the conscience” of the prisoners. But in Weston’s case, not even Dr. Whiting could do anything, and Coke complained that “to go to Court and do nothing would be so ridiculous that he cannot do it without express commands from his Majesty.”⁴³³

Since Somerset was still with the King on progress at this time, and still in possession of all his honours and offices, the natural course of proceeding is explained by Spedding: “The Commissioners would send a special messenger to the King to say that Somerset was wanted, and beg that he might be directed to return to London and hold himself ready to appear before them. It was probably upon this occasion that the parting scene, which Welldon narrates and to have witnessed at Royston, really took place.”

The King, perfect in the art of dissimulation, or to give it his own phrase *King’s Craft*, never parted from his ex-favourite with more seeming affection than at this time, when he knew Somerset should never see him no more. The Earl, when he kissed his hand, the King hung about his neck, slobbering his cheeks, saying: “For God’s sake, when shall I see thee again? Oh my soul, I shall neither eat nor sleep until you come again.” Somerset told the King on Monday (this being on Friday). “For God’s sake let me,” said the King, “shall I, shall I.” Then lolled about his neck; then, “for God’s sake, give thy Lady [Frances Howard] this kiss for me.” In the same manner at the stair head, at the middle of the stairs, and at the stairs. Somerset was not in his coach when the King used these very words: “I shall never see his face more.”⁴³⁴

⁴³² Camden’s *Annals*.

⁴³³ State Paper Office; Domestic Papers, 1611-1618. No. 90.

⁴³⁴ This was heard from four servants, of whom one was Somerset’s great creature and of the King’s Bedchamber, who reported it instantly to Welldon.

October 16, 1615, Somerset still at large and still holding the Great Seals, directed and sent a “pursuivant, accompanied by a Constable [George Errat] and a locksmith,” to the house of Weston’s son (William) with a warrant, “to search for bonds and writings concerning Mrs. Hynde,” who was Anne Turner’s sister, under the pretense of which, “divers writings concerning Anne Turner” were seized and carried away. Somerset said he ordered this warrant for the following reasons:

“My wife desired me to do it for Mrs. Turner’s sake. Packer formed it, and told me I might do it as a Councilor alone, without other hands; for I would have had at that time my Lord Knowles to have joined with me, but that he was at Council. And when this warrant was sent, I was not commanded from Court as is pretended.” ⁴³⁵

Somerset still free and after searching “for bonds and writings” upon his wife’s desire, the King sends the following letter to Secretary Winwood whilst a certain man called Dr. A. Savery (a “conjurer”) was being hunted down for questioning. Apparently, Waad had notified Coke that “Dr. Savery lives at Middleburg, but often visits Flushing, and therefore Lord Lisle or Sir John Thockmorton could easily arrest him. Saule and his wife, who heard Savery’s speeches, are in London.” ⁴³⁶ The only time we come across Saule and his wife, are in regards to Coke’s investigation in Prince Henry’s death.

Coke examines one Susan Saule (wife of Edwin Saule) a confectioner at High Holborn; her examination is taken on November 28, 1615. Among other things, all she could offer Coke was that she was called to the house in Holborn, “to provide a Banquet for the Prince that is dead; the Banquet was all of dried fruit and rough candied; the Banquet was set on the table about six of the clock in the morning.” Whether Dr. Savery’s questioning was to be upon this matter, is possible. And if this is so, then Coke was investigating the Prince’s death by poison much earlier than when he heard Anne Turner tell Dr. Whiting on November 10, 1615, the Prince had been poisoned by a bunch of grapes at Woodstock in May of 1612.

Dr. Savery was also asked if he knew Anne Turner, or her maid Margaret, Weston, or Foreman “the conjuror, and their practices against the Earl of Essex; and whether he did not

⁴³⁵ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I’s Reign.

⁴³⁶ State Paper Office; Domestic Papers, 1611-1618. No. 50.

threaten Mrs. Turner to disclose them, unless rewarded.”⁴³⁷ Where Coke was getting his information to question Dr. Savery on these points is uncertain, but we will bump into Dr. Savery further down.

King James to Secretary Sir Ralph Winwood
(Royston, October 16, 1615)

Having understood by your information that those of our Council to whom the trial of this great matter was committed, intend tomorrow to enter to the said trial, we have thought good by these presents to require you in our name to urge them with due and convenient expedition to put their said Commission to execution, which we desire as well that the guilty being known, the guiltless may go free, and the arising of rumours prejudicial to the fame of the innocent may be prevented, as also for that in the meantime our most serious affairs of estate do lie at stake. And therefore you are to require such others of our Council to whom the managing of the several parcels of our said affairs is committed, to keep their ordinary hours of meeting, because we intend, God willing, now at All Hallow-tide, to take a particular accompt of all our aforesaid affairs.

Signed at the top. Signet. On gilt-edged paper.

Earl of Somerset to John Poulter (Messenger of the Chamber)
(Whitehall, October 16, 1615)⁴³⁸

Orders him to apprehend Robert and Thomas Southby and Peter Gotten, and bring them before him. Annexed is, Oct. 16. Whitehall. 49. I.

Roger Thorpe to the Same. Shellitoe's office, Gray's Inn.

Letters from the Commissioners to the Earl and Countess of Somerset
(York House, October 17, 1615)⁴³⁹

After our very hearty commendations to your Lordship.

These are by force of his Majesty letters under his gracious signature to us directed (we having had due consultation of certain examinations and testimonies concerning your

⁴³⁷ State Paper Office; Domestic Papers, 1611-1618. No. 52.

⁴³⁸ State Paper Office; Domestic Papers, 1611-1618.

⁴³⁹ State Paper Office; Domestic Papers, 1615, October 17, No. 202. Original draft in Coke's hand.

Lordship; and thereupon having occasion to examine you, in his Majesty's name to will and require you to keep [to] your Chamber near the Cockpit at Whitehall without suffering of the access of any to you other than your own necessary servants until his Majesty's pleasure be further known. And hereof requiring you not to fail we bid your Lordship farewell from York House this 17 of October 1615.

YOUR VERY LOVING FRIENDS.

October 17, 1615, Coke acquired some witchcraft paraphernalia such as pictures, puppets, caricatures, and "other bad things," and sent them to the King, who must have been delighted that he had caught a "witch" such as Anne Turner, so notorious she was at the time. And upon Somerset's arrival in London, the following day, he is finally taken into custody; his keeper being Sir Oliver St. John.⁴⁴⁰

Letter from the Commissioners to King James

(October 18, 1615)⁴⁴¹

Most gracious Sovereign,

Our duties in most humble manner remembered, we have according to your Majesty's letters had consideration of the examinations and testimonies concerning the Earl and Countess of Somerset, and as well of ourselves as by advice of the Judges of your Majesty's Bench, according to your own direction, have thought it just and fit, that they should be severally examined, and consequently restrained of their liberties, we did at the first commit the said Earl to his own Chamber, and the Countess to keep her Chamber without access of any to either of them, other than their necessary servants; we have removed Mrs. Turner and Richard Weston from the several Aldermen, who formerly had the charge of them, to the safe and close custody of the Sheriffs of London severally.

Against Richard Weston, who is charged as a principal, there shall be a speedy proceeding to trial (with the particulars of whose cause we will not trouble your Majesty). And according to your further commandment in your letters, we propose with all convenient speed to enter into an examination of the Earl and Countess.

⁴⁴⁰ Sir Oliver St. John was made Lord Deputy of Ireland in 1616, and afterwards Viscount Grandison.

⁴⁴¹ State Paper Office; Domestic Papers, 1615, October 18, No. 204. Original in Coke's hand.

And sitting about this business we were informed by your Chief Justice [Coke] of a great contempt committed by the said Earl on Monday last, who by his private warrant under his hand and seal (which the Chief Justice had gotten into his hand and showed to us) caused Poulter (a Pursuivant) with the assistance of a Constable and [lock]smith to go to the house of William Weston, son of the said Richard Weston, and there in a cellar to pretend according to the pretext of his warrant to search for Bonds and writings concerning Mrs. Hynde, the purpose in truth being to search for writings concerning Mrs. Turner now in prison, as the messenger himself confessed to the Constable, and the Pursuivant finding divers writings concerning Mrs. Turner, the Constable said that those were not within the warrant, to whom the Pursuivant answered, that the naming of Mrs. Hynde was but a colour to search for writings concerning his Majesty and all such writings as concerned Mrs. Turner, which they found in a trunk which they broke up, and in a bag and box which they opened, the Pursuivant carried away with him, which dealing of the said Earl as the case stands, the foul fact depending in examinations, and Mrs. Turner being your Majesty's prisoner, we hold a very great contempt to your Majesty and a mean to prevent a search for you, and as much as he can to suppress the truth, whereof we intend to examine him as in our duties we hold ourselves bound, and we have committed the messenger for his lewd and unlawful dealing.

The Earl and Countess being committed yesternight, the Sheriff of London, to whom Mrs. Turner was also committed yesternight about eight of the clock close prisoner, informed us that this present day that one Mr. Whittaker that served the said Earl came about seven of the clock this morning on a message from the Earl of Somerset to the said Mrs. Turner, which the Sheriff very dutifully would not suffer to be done, but we tendering your Majesty's service sent presently for Whittaker, who confessed before us, that he was sent on a message from the Earl and Countess about 7 of the clock this morning to the said Mrs. Turner and to will her to be of good comfort and that she, having a weak and sickly body, should not be dejected.

We therefore upon consideration hereof, have thought fit this present afternoon, in respect of this attempt since his commitment to commit him to the house of the Dean of Westminster under the safe custody of Sir Oliver St. John as in like cases, concerning great personages have been used. As further occurrences shall fall out, we shall with all expedition inform your Majesty of our proceedings in this great cause; and shall continually

according to our most bounden duties ever pray to the Almighty for your Majesty in all prosperous and happy estate long to continue. From York House this 18 of October 1615.

Your Majesty's most humble and faithful subjects and servants.

T. Ellesmere

Canc. Lenox

E. Zouche

Edw. Coke

To the King's most excellent Majesty.

[Indorsed] From the Commissioners for the cause of Sir Thomas Overbury to His Majesty.

Somerset prepared his declaration to the King. It is undated, but must have been sent after his custody to Sir Oliver St. John.

Earl of Somerset's Declaration (*in writing*) to King James

Being told by my Lord Chief Justice [Coke] that I was indicted, and was shortly to expect my arraignment, I did not then believe him, for I did not look for that way. Your Majesty has three kingdoms wherein to exercise the prerogative of your power, and but few that taste of the first of your favours, in which number I did think myself, if not the first, yet inferior to very few. And having committed no offence against your person nor the State, I hope your Majesty will not for this bring me to a public trial, which for my reputation's cause I humbly desire to avoid. Grace truly given may be a benefit; for it is not enough to give life and not to save reputation.

But if I must come to my trial, knowing the presumptions may be strong against me in respect, I consented to and endeavoured the imprisonment of Sir T. Overbury (though I designed it for his reformation not his ruin), I therefore desire your Majesty's mercy, and that you will be pleased to give me leave to dispose of my lands and goods to my wife and child, and graciously to pardon her, having confessed the fact. For myself, being uncertain how I shall be judged upon presumptions, I humbly desire that in the meantime you will be pleased to give my Lord Hays and Sir Robert Carr leave to come to me.

The following examination was presented at Somerset's trial, but we thought it would allow for the flow of events to present it here.

George Errat, the Constable's examination

(Presented at Somerset's trial May 25, 1616)

George Errat said, that Poulter, a messenger, brought him a warrant from my Lord of Somerset to break open and search a house for certain writings which were pretended to be one Mrs Hynde's, a sister of Mrs. Turner's; and that he showed him a part of the warrant only, but not all; so that for that cause he would not execute it. Whereupon Poulter got [lock]smiths himself to break open the house and doors, and found in the cellar a box and bag of writings, where he saw the name of Mrs. Turner; and those were carried to my Lord [Somerset.]

When Somerset was questioned about George Errat's examination, he answered: "For these letters Sir Robert Cotton delivered them me back after my Lord of Northampton's [Henry Howard's] death; and concerning the dates, you need not trouble yourself, for it now grows late, and I shall have very little time to answer for myself. I confess Sir Robert Cotton delivered me back those letters I had sent my Lord of Northampton, and that I burnt them; and that some parts were cut off as impertinent."

At this point in time, Sir Robert Cotton was examined on the matter and stated that Somerset "delivered into his hands many of Overbury's letters; and that he cut and dated them" by Somerset's direction; "and that he put in dates the next day to some of the letters after Weston's arraignment," which was on October 19, 1615. From this statement, we can deduce that most, if not all of Overbury's letters given in this research have a day difference from what is given on the letters. It is unsure if Coke took this into consideration when he presented Overbury's letters at Somerset's trial.

But the next matter Coke had to resolve was Weston's charge. If he could be charged with poisoning Overbury then the other conspirators he would reveal could be charged with accessory before the fact. And though it could not be proved which poison was suspected to have killed Overbury, the Court of Law went out to prove if Overbury had indeed been poisoned. Being this was a crucial fact in the case, and Weston either was a fool or tough as

raw meat, he stood “mute” ⁴⁴² at his trial at Guildhall on Thursday, October 19, 1615. This meant that he refused to put himself “upon the country as the law required,” which “incurred the penalty for standing mute.” ⁴⁴³

When a prisoner stood silent, as Weston did, he was subjected to torture; sooner than later, “the torments of which were laid before him, thinks he has been persuaded to this course in hope to save the accessories, which could not thus be proceeded against, save by Act of Parliament.” ⁴⁴⁴ This is important to understand, because without Weston standing trial, the government could not touch either the little or the big fish in the case. So no time was wasted with Weston’s silence; they explained the torture technique he would suffer if he did not plead his case, and possibly accommodated him with a visual account of it.

The specific technique of torture Weston was threatened with was *peine forte et dure*, ⁴⁴⁵ which was nothing less than being pressed to death. This kind of torture was one of the most barbarous and cruel punishments of Europe’s Statutes, distinguished by its name. It was adopted as a manner of punishment suitable to cases where the accused refused to plead, and commuted in the year 1406, from the older method of merely starving the prisoner to death. At the time this torture procedure was induced in England, the alteration was considered to be decidedly according to the dictates of humanity and mercy, relieving the accused from his sufferings.

The manner in which this method of torture was inflicted was that “The prisoner shall be remanded to the place from whence he came, and put in some low, dark room, and there laid on his back, without any manner of covering except a cloth round his middle; and that as many weights shall be laid upon him as he can bear, and more; and that he shall have no more sustenance but of the worst bread and water, and that he shall not eat the same day on which he drinks, nor drink the same day on which he eats; and he shall so continue till he die.” ⁴⁴⁶

The object was to allow the victim, at almost every stage of the torture, to plead, and so allow the law to take its ordinary course. When a prisoner was put under the *peine forte et*

⁴⁴² Camden’s *Annals*.

⁴⁴³ James Spedding, *An Account of the Life and Times of Francis Bacon*, Vol. II., (Boston: Houghton, Mifflin & Co., 1880).

⁴⁴⁴ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

⁴⁴⁵ David Jardine, *State Trials* (London: Longman 1828): “The object of the *peine forte et dure* was not to compel a confession, but to oblige the party to plead.”

⁴⁴⁶ David Jardine, *State Trials* (London: Longman 1828).

dure they were able to transmit their estates to their children, or will them as desired; whereas, if they were found guilty, their estates would be forfeited to the crown. This kind of torture was not abolished until the year 1772.⁴⁴⁷



*Technique of torture: peine forte et dure (crushed to death)
Adopted and commuted in 1406; abolished in 1772.*

After Weston was informed of this torture procedure, his trial was adjourned till October 23, 1615, in hope that “he would think better of it,” Spedding tells us. On the other hand, it was agreed that Weston’s refusal to stand trial satisfied “all of his guilt and any interference with the course of law in his case would bring scandal on his Majesty’s justice.”⁴⁴⁸ Of course, “the Bishop of London could persuade Weston to stand his trial; so the Commissioners concurred in their opinion that Weston should not be examined again, lest it cause a reflection on the former proceedings.”⁴⁴⁹

⁴⁴⁷ John Longard, *History of England*, Vol. VII (Philadelphia: Cummiskey, 1827).

⁴⁴⁸ State Papers, James I., Dom.

⁴⁴⁹ James Gardiner, *Studies in English History*, Vol. XVIII (1881).

Two reasons could be credited for Weston's silence: One, he knew the government could not prove motive; two, he was told to clamp up, as Coke's opinion was: "I am persuaded that Weston had been dealt withal by some great ones, guilty of the same fact, as accessory, to stand mute, whereby they might escape their punishment."⁴⁵⁰

It is with regret, we have found no recorded information on why Weston actually stood mute at his trial and neither did Coke: "The King would think it Coke's masterpiece, if he could discover who persuaded him to stand mute."⁴⁵¹

We find however recorded evidence from Coke, that Weston was finally submitted to torture; not the *peine forte et dure*, but to the manacles: "In the meantime, we have taken order that his hands and feet shall be manacled, so as he shall neither hurt himself nor escape."⁴⁵² With Weston not yet pleading and being submitted to the manacles, the proceedings adjourned (as mentioned) and Coke took this extraordinary course which comes from his *Reports*. "He [Coke] willed Sir Lawrence Hyde [Queen's Attorney] and those of counsel for the King, to manifest unto the audience the guiltiness of the said Weston by his own confession, signed with his own hand; and, if in the declaration thereof, they may meet with any great persons whatsoever, as certainly there were great ones confederate in that fact, he should boldly and faithfully open whatsoever was necessary, and he could prove against them."⁴⁵³



The manacles caused intense pain and usually resulted in the loss of the use of the hands for some time afterwards. Its use was first recorded in 1591 at the Tower and was also used at Bridewell and other city prisons.

⁴⁵⁰ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

⁴⁵¹ State Paper Office; Domestic Papers, 1611-1618. No. 91.

⁴⁵² State-Paper Papers, Domestic Office, 1615, Oct. 19, No. 212: Correspondence of Sir Edward Coke to King James, October 19, 1615.

⁴⁵³ Steve Sheppard, *The Selected Writings & Speeches of Sir Edward Coke*, Vol. II., Liberty fund.

It is uncertain to which “confession” Coke refers to; Weston did not confess and refused to stand trial. It is definite that “signed with his own hand” was inaccurate; Weston could only have added his mark because he could not read nor write. Perhaps the “confession” mentioned referred to the one extracted whilst Weston was hanging in chains from the ceiling of the Tower; or, was taken by Coke’s planted divine, Dr. Whiting.

Coke mentions this Chaplain in a letter of his to the King written November 27, 1615. Throughout the letter, Coke gives his description of examinations, and in the last paragraph writes: “As soon as he [Somerset] was condemned, and returned to close prison, I sent a grave and learned divine [Dr. Whiting] to him who had been with all the other prisoners, with instructions to press his conscience in divers particulars as well in this [Overbury’s poisoning] as in other poisonings, wherein no industry or care shall fail to find any further matter.” ⁴⁵⁴

These “other poisonings” Coke was referring to, alluded to the poisoning of Prince Henry. But whenever this “confession” was forced from Weston, presenting it at his trial was foul. If not Bacon -who was more inclined to bend for the King- then Coke should have thrown Weston’s “confession” into the cobblestone alleys of Jacobean London.

With regret, Coke didn’t do this.

Regardless if Weston pleaded or not, the Queen’s Attorney (Sir Lawrence Hyde) opened the whole “evidence” against Weston and Coke began to charge the prisoner in absentia: “On May 9, 1613, in the Tower of London, a poison called *Roseacre* in broth, which Overbury received; and so that Weston might more speedily kill and murder Overbury.”

Coke’s initial charge against Weston was not clear; he does not directly accuse Weston in adding poison in broth, nor did he give the broth to Overbury. All Coke tells us is that Weston “might more speedily kill and murder Overbury.” But in order Coke prove this, he needs to establish a motive. As Coke stated in one of his *Memoranda* in his own handwriting, that “Weston, Turner, Sir Gervase, Monson had no malice against Overbury. They were but instruments of the malice of others,” ⁴⁵⁵ it is crystal clear that Coke could not prove motive.

This first charge against Weston was based on assumption.

“On June 1, 1613, Weston gave Overbury another poison called white *Arsenick*, and on July 10, 1613, gave Overbury a poison called *Mercury Sublimate* in tarts, so that he might

⁴⁵⁴ State Paper Office, Document Papers, November 27, 1615, No. 825.

⁴⁵⁵ State-Paper Office, Domestic Papers, 1615, Dec. 1, No. 335.

more speedily kill and murder Overbury.” Coke’s charges this time are more specific: Weston gave Overbury “white *Arsenick*.” Yet again, Coke cannot prove this unless Overbury’s body is exhumed and a postmortem is performed, including some toxicological exam. In the same charge, Coke says Weston also gave Overbury “*Mercury Sublimate* in tarts.” Coke could not prove this either, since the tarts did not undergo a toxicological exam and were no longer available to do so two years later. More importantly, no toxicological exams existed in those days, so this charge was also based on assumption.

From the two charges up to this point which Coke presented against Weston, one was without proof of motive and the other based on assumption. But Coke continued to charge the prisoner who was absent. In his *Reports*, Coke tells us that the indictment then charged Weston with witnessing “a person unknown [later known to be William Reeve] in the presence of Weston, and by his commandment and procurement, September 14, 1613, gave Overbury a clyster mixed with poison called *Mercury Sublimate*, so that he might more speedily kill and murder the aforesaid Thomas.”

We put up a question for debate: Why would Weston “command and procure” a poisonous clyster from William Reeve who was the assistant to the French Apothecary (Paul de Lobell) who was the brother-in-law to the Chief Catholic physician, Sir Théodore Turquet de Mayerne, who was the King’s physician? This was the weakest charge heard against Weston; weaker still since Weston could have acquired the clyster from another Apothecary as they were marching like ants in London. Better still, he could have made the clyster’s content and administered it, and no one would have known.

But since all the charges against Weston were based either on hearsay or assumptions, it was therefore imperative the government have some sort of witness to back these charges. Cunningly, a witness was produced who was called William Reeve; however, he was a silent witness because Reeve died in Brussels (some say France) before Weston’s trial ever began. This was tough luck for Weston; it was his word against a dead man’s word and it is not difficult to conclude who the Judges believed.

Coke then relates that “Overbury was seriously ill from the several poisons mentioned, and from the working of them several times until September 15, 1613, when Overbury died. And albeit it did not appear which of the said poisons killed him, yet it was resolved by all the Judges of the Kings Bench, that the indictment was good; for the substance of the indictment was, whether he [Overbury] was poisoned or not.” Coke seems to agree with us,

that all the charges against Weston were based on hearsay and assumptions, and the only way to prove foul play was to prove Overbury was poisoned; hence the calling of a dead witness (William Reeve) who could not be disputed or re-examined if needed.

In finalizing the charges against Weston, more hearsay and assumptions were thrown at the absent prisoner on a major scale, which were nothing more than Coke's sly mannerisms: "Upon the evidence, it appeared that Weston within the time aforesaid, had given Overbury divers other poisons, as namely the powder of diamonds, *Cantharides*, *Lapis Causticus*, and powder of spiders, and *Aqua fortis* [*lapis causticus*] in a clyster, caustic stone [perhaps a compound of lime], and it was resolved by all the said Judges, that albeit these said poisons were not contained in the Indictment, yet the evidence of giving of them was sufficient to maintain the Indictment; for the substance of the Indictment was (as before is said) whether he [Overbury] were poisoned or not." ⁴⁵⁶

There are grave reasons why the Judges should have stopped to think for a moment of how posterity would judge them. Weston's "confession" was pressed out of him one way or another; he could have confessed to poisoning Queen Elizabeth by administering the poisonous tail hacked off Godzilla in order to stop himself from being tortured, since "pain makes even the innocent man a liar." ⁴⁵⁷

But Coke finalizes by saying "Weston administered a clyster containing *Aqua fortis*" or *lapis causticus*. This would mean that Weston was familiar with administering clysters and logical because he had worked as an assistant to an Apothecary and also as servant to a doctor. So we ask again; why does Weston "command and procure" William Reeve to administer the clyster on September 14, 1613, as opposed to doing it himself? Does it not stand to logic that the fewer who know of something, the greater a guarantee for secrecy?

Weston was not the most foolish poisoner in history.

Not to condemn Coke too much, it was his characteristic of assuming; he also used hearsay and assumptions in Raleigh's trial on the "Bye" plot in 1603 when he produced a witness named Dyer, who said: "I came to a merchant's house in Lisbon, to see a boy that I had there; there came a gentleman into the house, and, inquiring what countryman I was, I said an Englishman, whereupon he asked me if the King [James] was crowned. I answered,

⁴⁵⁶ Steve Sheppard, *The Selected Writings & Speeches of Sir Edward Coke*, Vol. II., Liberty fund.

⁴⁵⁷ Sir Francis Bacon, *Remains*.

‘No, but that I hoped he should be so shortly.’ He said ‘Nay, he shall never be crowned, for Don Raleigh and Don Cobham will cut his throat, ere that day come.’”

Raleigh probably could not appreciate Coke’s witness and the tale being told, so he asked Coke, “what infer you upon this?” Coke just replied, “that your treason has wings.”

There must have been additional examinations taken from Weston, since Coke announced different events than what Weston gave in his six examinations. If these additional examinations were then suppressed, they still have not come to light.

Event No 1: May 6, 1613

Anne Turner gave Weston a “vial of *Rosalgar* poison” to administer to Overbury.

Bacon tells us that Weston was placed “under-keeper” on May 8, 1613; so the above event could not have taken place, at least not in Weston’s presence. In addition, Weston’s indictment specifically states that “on May 9, 1613, in the Tower of London, a poison called *Roseacre* in broth, which Overbury received; [eat;] and so that Weston might more speedily kill and murder Overbury.”

This additional charge should not have been established as credible.

Event No 2: May 9, 1613

A “vial of *Rosalgar* poison” was administered to Overbury by Weston.

Weston’s indictment states something different happened on this day, which was that Weston gave “a poison called *Roseacre* in broth, which Overbury received; [eat;] and so that Weston might more speedily kill and murder Overbury.”⁴⁵⁸ It is unclear why Coke changes the poison from *Rosalgar* to *Roseacre* and from being in a vial to being in broth.

This additional charge should not have been established as credible.

Event No 3: June 5, 1613

A “white powder” was sent from Somerset directly to Overbury, without any intermediate.

Weston’s indictment states differently: “June 1, 1613, Weston gave Overbury another poison called ‘*White Arsenick*.’”⁴⁵⁹ How would Coke know that Overbury received a “white

⁴⁵⁸ Steve Sheppard, *The Selected Writings & Speeches of Sir Edward Coke*, Vol. II., Liberty fund.

⁴⁵⁹ *Ibid.*,

powder” on June 5, 1613, if there was no intermediate, without Overbury or Somerset telling him this? Did Coke read a letter which stated this happened?

Event No 4: June 1613

Anne Turner sends “tarts and jellies” to be given to Overbury, which contained “mercury sublimate,” being *mercuric chloride*.

Weston’s indictment puts this event on July 10, 1613, when Weston “gave Overbury a poison called *Mercury Sublimate* in tarts.” Weston did confess he receive such “tarts and jellies,” but also said he didn’t give them to Overbury.

Event No 5: July 11, 1613

“White arsenic” and a second dosage of “mercury sublimate” were administered to Overbury.

Again, Weston denies giving anything he received from the outside to Overbury. He concocted a story that he did in order he receive the money promised. So, it was Coke’s word against Weston’s, because Coke could not prove this charge.

Event No 6: September 6, 1613

Anne Turner pays £20 to acquire from the “apothecary boy” called William Reeve a clyster and that it should contain poison; the third and final dose of “mercury sublimate.”

Weston told us that when he met Franklin in a tavern, he was informed another Apothecary would come to administer Overbury a clyster; he was not told what it contained nor who the Apothecary would be. Weston was only told the reward, which was £20.

We always thought mentioning this amount was peculiar; there was no reason why Weston should know the economic dealings of Reeve between Turner, Franklin and/or Frances Howard, except if one wanted to bring it up at a later date against the person who was paying the amount.

We believe this amount was planted by Coke and that Franklin never mentioned it to Weston when they met at the tavern.

Event No 7: “Upon Weston’s additional examinations said Mr. James and Mrs. Rawlins, servants to the Countess [Frances Howard] came often to know of the examinant, how Overbury did, and what he would eat; and they delivered him jellies and tarts, which he gave to Overbury who did eat thereof.”

Weston never testified the above happened, and there are no “additional examinations” as Coke was saying that have come to light in regards to Weston’s testimony. If they are in Coke’s sphere of imagination or in Jacobean ashes, so be it.

After Coke gave all the above, he requested Sir Lawrence Hyde to go into the particulars. Hyde categorically accused Somerset and his wife as principal “movers” to Overbury’s death with Anne Turner being the intermediate. He said nothing in regards to Weston whose trial this was.

When Weston’s trial was adjourned on October 19, 1615, and he was strung up with manacles, the King sends his instructions to Coke and how he wanted the prisoner dealt with. He also explained what proceedings should be taken. This royal interference influenced not only the Judges in Weston’s case, but also Coke and Bacon who were handling the Overbury case in its totality.

King James to Sir Edward Coke

(Tuesday, October 20, 1615) ⁴⁶⁰

Lord Chief Justice Coke; right trusty and well beloved Councilor.

Trusty and well beloved we greet you well. We have received your letter of the 19th of this month, [when Weston’s trial was adjourned] wherein you give us a large account to our good satisfaction of your late proceedings with Weston; which they give us cause to be most heartily sorry that the least touch of so foul a fact should fall upon the honour and reputation of any one that holds so near a place about our person, [the King’s favourite,] so do we give God thanks and withal commend your industry and endeavours that the truth is discovered, that thereby so heinous and wicked an offence may receive in due time condign and exemplary punishment.

⁴⁶⁰ State-Paper Office, Dom. Jac. 1, vol. Iviii., 1615, Oct. 20, No. 213, 2 4, and 215.

We have great reason to approve as we do the moderation and discretion which you have used in the whole course of your proceedings against Weston towards whom we require you even in Christian charity to employ your best endeavours, both by sending able and worthy preachers to him and by your own exhortations to make him sensible of the danger of his soul if he shall persist in this contumacy not to submit himself to the trial of the law; but if you shall find him still to continue stubborn and obstinate, which God forbid, then we do require you without delay to proceed to judgment (which our will and pleasure is) should punctually be executed, according to the strictness and rigour of the law, whereof you are before to forewarn him; for why should pity be taken of the body of that man who for want of grace has no commiseration of his own soul?

And because we concur in opinion with you that Weston having neither lands nor goods to lose, ⁴⁶¹ by practice, has been wrought to this obstinacy, perhaps upon this sinister suggestion that the accessory cannot be called in question unless the principal be first condemned, we do require you, our Chief Justice and the Lords who are joined in Commission with you, to examine Weston himself if no man has practiced [cajoled] with him before, whose arraign on Monday next [October 26th] you may likewise examine all other parties against whom you may conceive just suspicion, namely the Earl of Somerset and the Lady [Frances Howard] his wife, whom on like manner you are to examine on those points mentioned in the former letters of the Commissioners in this particular.

You may remonstrate unto them how unworthy a thing it is in the state they now stand, to heap sin upon sin and to charge their consciences with the apparent danger of the damning of the soul of that miserable wretch, [Weston,] who as he has been the murderer of another, so now will be the murderer of himself; whereby let them know they can little relieve themselves, if they shall be found guilty for which we profess we shall be heartily sorry. This being our resolution, to use all lawful courses that the foulness of this fact be sounded to the depth, that for the discharge of our duty, both to God and man, the innocent may be cleared, and the nocent, [non innocent] as the nature of the offence shall deserve, may severely be punished.

⁴⁶¹ John Longard, *History of England*, Vol. VII (Philadelphia: Cummiskey, 1827): "When a prisoner was put under the *peine forte et dure* they were able to transmit their estates to their children, or will them as desired; whereas, if they were found guilty, their estates would be forfeited to the Crown."

To our right trusty and well beloved Councilor Sir Edw. Coke (Knight) our Chief Justice of England, and to our trusty and well beloved, the Judges of our [King's] Bench.

JAMES R.

The following day, a man called Sir David Wood was examined. There are two versions of what David Wood testified to; one version comes from Nichols's *Progresses*, and the other version is found in the *State Trials* from Somerset's trial. Both versions are given.

EXAMINATION OF SIR DAVID WOOD

(October 20, 1615) (Nichols's Progresses)

He testified that after being crossed by Somerset and Overbury, because Somerset would not procure for him a suit worth £2,200 (unless he might have £1,200) Frances Howard offered Wood [the remaining amount of] £1,000 if he would revenge himself and her on Overbury.⁴⁶² He said he would be hangman to nobody, nor go to Tyburn at a woman's word, but if Somerset would promise him, before a witness, to protect him if he were intercepted, he would be the readier for her sake to give him knocks.⁴⁶³ She said this could not be done, but he [Overbury] might be killed coming late home from Sir Charles Wilmot's,⁴⁶⁴ where Overbury dined each evening.

Examination of Sir David Wood

(October 20, 1615) (State Trials)

He said, my Lady Somerset knowing there was some discontent betwixt Overbury and him, in respect of a suit that he crossed him in, told him that if he would kill Sir T. Overbury he should have £1000, and besides [that] she would make his greatest enemy [Somerset] to become his greatest friend; and he knew no enemy he had in Court but my Lord of Rochester. He answered, that if my Lord of Rochester would give him his hand, or but pass his word, if he did it, that he should escape and have his pardon, he would do it. Upon this she paused, and desired some time to give her answer; and when he came again to her she

⁴⁶² Surely Somerset also, since both men "crossed" David Wood.

⁴⁶³ "Knocks" meaning a beating.

⁴⁶⁴ Sir Charles Wilmot (b.1572-d.1644) was an English soldier active in Ireland.

told him that could not be; but promised all favour possible unto him, and warranted him to go on upon her life. [her word.]

If the Judges wished to gather evidence against Frances Howard, they could have easily taken the abundance of evidence collected on the Mary Woods case; yet none of this evidence was ever brought into trial and used against the Howard woman. In addition, they could have taken the pronoun letter which was brushed aside by the King.

But Somerset had something to say about the matter of David Wood: “There was a suit wherein he [Wood] might have benefitted himself £1,200, which I was willing to further him in, conditionally that Overbury should have been a sharer. But for the not effecting of it, it seems he took some dislike to Sir T. Overbury.”⁴⁶⁵ Somerset does not tell us if what passed between David Wood and Frances Howard was true or not; only that Wood had some disagreement with Overbury. Perhaps the Howard woman never mentioned to Somerset she had approached Wood in the manner Nichols and the State Trials tell us she did.

But on October 23, 1615, Weston is brought to trial again, and is now in favour of pleading his case. What happened for Weston to change his mind will be explained further down; but even though Weston pleads “not guilty” when he is brought to trial again to the flimsy “evidence” opened against him, he is found guilty by the majority of the Court of Law, and after judgment was given, Coke made the following announcement. The original is no longer extant.

Sir Edward Coke's Announcement at Weston's 2nd trial

(Friday, October 23, 1615) ⁴⁶⁶ (copy)

That, for the duty of the place, he [Coke] must say somewhat; and that, to two several persons: First, to the auditory, and secondly, to the prisoner. And that which he spoke to the auditory, he divided into four parts.

The manifestation of the glory of God, and honour of the King: Coke observed the finger of God in the manifestation and bringing to light of this matter, having slept two years,⁴⁶⁷ being shadowed with greatness, which cannot overcome the cry of the people. He observed

⁴⁶⁵ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

⁴⁶⁶ Steve Sheppard, *The Selected Writings & Speeches of Sir Edward Coke*, Vol. II., Liberty fund.

⁴⁶⁷ According to Overbury's death registry at the Tower, this turns out not to be true.

also the providence and goodness of God, who put into the hearts of himself, and the rest of the Judges, the day of the prisoner's last arraignment [October 19, 1615,] when he stood mute, not to give judgment against him for that time, but defer it till now; and how in the meantime it pleased his Majesty out of his gracious care and pity, to send to the prisoner first the Bishop of London, next the Bishop of Ely, to admonish and persuade him for the saving of his soul; who, after each of them had spent two hours with him, it pleased God (when they had left him) to move his heart, so that now he did not put himself to be tried by the country; by which means (using Weston's own words) he said, 'The great flies shall not escape, but shall receive their punishment.'

For conclusion of his first point, Coke lastly observed, that notwithstanding so many uncertain rumours touching this case, at last it proved to be true. The preventing of other damned crimes of poisoning, Coke said justice was the golden mean, and declared his Majesty's resolution straightly to execute justice for that treason; and desired God that this precedent of Overbury might be an example and terror against this horrible crime, and therefore it might be called: *The Great Oyer of Poisoning*.

Coke said that at the arraignment there were certain critics, who had given out, the prisoner should deny his examinations; and found much fault, for that the examinations were read, the prisoner standing mute. But for the first, how untrue it was, all the world saw, the prisoner here confessing them all, being read and showed unto him; and for the second, beside that it was exceeding discreet and convenient the world should receive some satisfaction in a cause of that nature, he cited and showed, that by the laws of the land they ought and were bound to do so, notwithstanding the greatness of any, who might thereby be impeached.

That there is no practice of conspiracy in prosecuting of the business, Coke solemnly protested to God, he knew of none, nor of any semblance or colour thereof; and therefore he much inveighed against the baseness and unworthiness of such as went about so untruly and wickedly to slander the course of justice. And so he came, last of all, to that which he had to speak of Weston the prisoner.

First, touching the wickedness of his [Weston's] fact, [Overbury's death,] Coke very seriously exhorted Weston to an unfeigned confession and contrition for the same, declaring unto him how that his confession would be a satisfaction to God and the world, and that by his faith and true repentance he would lay hold upon the merits of his Saviour.

Coke persuaded Weston that no vain hope (which is a witch) [referring to Anne Turner] should keep him back from giving satisfaction to the world, by discovering the guiltiness of the great ones; assuring him, that after this life, as death left him, so judgment should find him. And lastly, taking occasion there to remember this poisoning to have been a Popish trick, which Coke instanced by examples.

Coke then proceeded to give judgment, which was, that the prisoner should be carried from thence to the place from whence he came, and from thence to Tyburn, and there to be hanged by the neck till he was dead. Judgment being given, the Lord Chief Justice Coke commanded that the prisoner might have convenient respite, and the company of some Godly learned men to instruct him for his soul's health.

However Weston's case was handled, it came directly from the King's instructions as Coke tells us in one of his letters to the King: "I was bold in manifestation of your Majesty's zeal to justice to publish your Majesty's prim and pertinent direction and interrogatories written with your own grand hand, for the finding out of this foul fact, which (as the sequel shows) had an extraordinary blessing of God, and which very many desired to see." ⁴⁶⁸

This "sequel" Coke refers to, was nothing less than certifying for us that this Powder Poison plot was considered a sequel to the Gunpowder plot of 1605. Coke mentioned "that it was resolved on the trial of Richard Weston for the murder of Sir Thomas Overbury, that the manner of killing is not the point of an Indictment for murder, and that if the Indictment charge the death to have been caused by a dagger, and in proof the blow appears to have been given with a sword, it is sufficient." ⁴⁶⁹

In addition, Secretary Winwood to the Commissioners tells them that "they are to proceed according to their best judgment with Weston, who deserves no pity. To stop scandal, he should again be made to acknowledge his examinations. The King would think it Coke's masterpiece, if he could discover who persuaded him to stand mute." ⁴⁷⁰

⁴⁶⁸ State Papers, Domestic Office, 1615, Oct. 19, No. 212.

⁴⁶⁹ David Jardine, *State Trials* (London: Longman 1828).

⁴⁷⁰ State Paper Office; Domestic Papers, 1611-1618. No. 91.

After Weston's judgment was announced by Coke, the latter writes to the King in recollection of the complications he and the other members of the Commissioners had been faced with. The letter explains how Weston agreed to stand trial, which was not because he was tortured with the manacles, or from the Bishops visiting him, but from the visit of Sheriff Elwaies, his former employee. What Sheriff Elwaies used and was asked to do in order to persuade Weston to stand his trial will be discussed after the letter.

Sir Edward Coke to King James

(Saturday, October 24, 1615) ⁴⁷¹

The Bishop of London on Saturday last, and the Bishop of Ely on Sunday spent a long time with him, [Weston,] using all the strength and fire of persuasion they could, and yet to their seeming profited nothing, but left him obstinate and undurate. [none obedient.] The Bishop of Ely offered him [Weston] to fetch any Jesuit or priest out of some of the prisons, who would (as he assured himself) come with him in the grounds of his persuasion, to whom he answered, that if the Bishop of London and the Bishop of Ely could not persuade him, neither Jesuit nor priest should do it. But yesterday morning, upon speech with the Sheriff [Sir Gervase Elwaies's father] (by the instance of the Holy Ghost) he offered to put himself upon the country, and when he had affirmed so much to the Sheriff (who had dealt honestly in the cause) he said withal, 'I hope they do not make a net to catch the little fishes as flies and let the great go.'

From Coke's letter, he recollects how Weston, even though put to torture, remained obstinate; and even though "confessions" had been extracted from him, he still would not stand trial. Why the persistence of the government for Weston to stand his trial has already been given, which was a necessity by law: "The accessory cannot be called in question unless the principal [in this case Weston] be first condemned."

If this was not possible, then only by an Act of Parliament could the others be brought in, and the King did not wish to take this procedure; he was not very keen on Parliament and felt and believed he was supreme judge and God.

⁴⁷¹ State Papers, Domestic Office, 1615, Oct. 24, No. 234.

Out of the blue, and “by the instance of the Holy Ghost,” Weston agrees to plead his case after being visited by Sir Gervase Elwaies’s father who was the Sheriff of London. But what could Sheriff Elwaies have said to Weston, which would change his very serious determination not to stand trial which not even torture and threats could change?

Could the Sheriff have said that some exchange would be given to save Weston’s estates? No; Weston was not rich and hence he was tortured on the manacles as opposed to being crushed to death.

So what was the next best thing that the government could promise Weston in exchange for his standing trial and pleading his case so the government could condemn him and open the doors to bringing in the accomplices?

We believe a bogus King’s pardon was offered to Weston; it was a trick the King used as he had in the “Bye” plot in 1603. We strengthen our sayings with two facts.

First, after Weston was arrested, and Somerset had returned to London but was still free, James Franklin was sent for to the Cockpit and there was met by Frances Howard who “swore him again to secrecy.” She tells Franklin, amongst other things, “that the Lords, if they examined him, would put him in hope of a pardon upon confession” and is not to believe them, “for when they have got out of you what they would, we shall all be hanged.” So it was a circumstance well known at the time how prisoners, to stand their trial, were offered false pardons.

Second, eight Courtiers, at Weston’s execution, probed him to confess if he had actually murdered Overbury. All who probed Weston and caused turmoil at his execution were well in obedience to the King; they were not that ignorant in their actions, which was “an affront to justice,” as Spedding explains for us: “When a man had been by due process of law found guilty and was about to suffer the penalty, to ask him publicly whether he was guilty or not was an affront to justice which could not be permitted or passed over. Several of the parties were committed to prison, and it was resolved to bring two of them (Wentworth and Hollis) before the Star Chamber; and along with them one Thomas Lumsden,⁴⁷² who though not present on this occasion, had been guilty of a kindred offense in sending the King an

⁴⁷² What actually occurred at Weston’s first day proceedings for Thomas Lumsden to write an account of it, which was pronounced by Coke to being “false and malicious,” can only be imagined.

account of the first day's proceedings in Weston's case, which being referred to Coke was pronounced "false and malicious."⁴⁷³

These troublemakers created such turmoil at that time, which gave an excuse for the executioner to give no time for Weston to react. In the chaos, the executioner caught Weston off guard, passed the rope around his neck and kicked the cart. Once hanging, it was difficult for Weston to protest further or even demand his pardon he was promised. The account at Weston's execution will be given in full upon that date.

In the meantime, the Bishop of Durham had been ordered "to restrain the servants of Somerset from felling and selling the woods and lands of Brancepeth and other parks within his diocese;"⁴⁷⁴ and, we once again meet Dr. Savery. He now tells Coke that "his threats to Mrs. Turner meant, that if she would not give him the reward she promised, for trying to induce Sir Arthur Mainwaring to marry her, he would betray her dealings to Sir Arthur, and accuse her before the Arches' Court for loose conduct. Begs that his wife may have access to him."⁴⁷⁵

It was therefore from Dr. Savery that Coke got all the information on Anne Turner's out of marriage relationship with Mainwaring whilst she was married to George Turner. Winwood then writes to the Commissioners how "the King, hearing that Weston has submitted to trial and received judgment, and that the sessions are postponed till Thursday [October 26th] thinks Mrs. Turner will then be arraigned. Wishes her to be examined before the Commissioners, as also the Earl and Countess, Sir Gervase Elwaies, Sir Thos. Monson, and all others connected, directly or indirectly, with the business with all possible expedition."⁴⁷⁶

The haste to have the other little fishes brought to trial was evidently having the King sit on pins and needles, perhaps because Weston had only been told he would receive his royal pardon, and God forbid should this be leaked to the other little fishes.

Coming Wednesday, October 25, 1615, Coke sighed with relief, and sends Weston to good riddance. The account at Weston's execution is given by Spedding who reports it was told "by one who had a principal part in it;" this individual was Overbury's brother-in-law, John Lidcott: "At the execution of Richard Weston there were present together [with Lidcott,]

⁴⁷³ James Spedding, *An Account of the Life and Times of Francis Bacon*, Vol. II., (Boston: Houghton, Mifflin & Co., 1880).

⁴⁷⁴ State Papers, James I, Dom.

⁴⁷⁵ State Paper Office; Domestic Papers, 1611-1618. No. 101.

⁴⁷⁶ State Paper Office; Domestic Papers, 1611-1618. No. 94.

Sir John Hollis, Sir Thomas Vavasor, Sir John Wentworth, Mr. Sackvill, Sir John Ayres, Sir William Monson, Sir Henry Vane, and others, and many of them spoke together, and asked Weston whether he had poisoned Sir Thomas Overbury or not; who answered that he had left his mind behind with the Lord Chief Justice [Coke]. And [Lidcott] remembered that upon his question to Weston, Sir John Wentworth said, 'Sir John, it is nobly said, — ask him again;' but this examinee [Lidcott] seeing advantage taken of his words, held his peace."⁴⁷⁷

Notice in Spedding's account of the scene how Lidcott backed off in probing Weston when he saw his words were taken advantage of by the others who were more or less all deeply obedient to the King and had been purposely sent to cause a chaos at Weston's execution. This was a well-known trick used by the King which was executed by his Courtiers: They would be sent to either discredit the condemned prisoner on the scaffold or to divert attention from the condemned prisoner for whatever reasons suited the Sovereign.

This persistence at the scaffold has no other weight or dominance but to expose to us how Weston was not convicted by evidence of being responsible for Overbury's death; and, Weston promised a false pardon, must have been anxious to when it would be forwarded to him; he was already a step closer to his own hanging. A turmoil broke out which was accompanied by arrests.

The troublemakers at Weston's execution are interesting individuals. Sir John Hollis (or Holles) was Comptroller of the Household of Prince Henry from 1610 till 1612. He was rumoured to have in his possession some important secret, relative to the death of Prince Henry because Hollis's sudden release from a prison to a peerage appears to have given rise to this notion, besides the importance shown at the time of some lines written in his pocket-book, which were, "Actæon once Diana naked spied, all unawares, yet by his dogs he died."⁴⁷⁸

The next troublemaker, Sir Thomas Vavasor, had been Knight Marshal of the King's Household,⁴⁷⁹ and Sir John Wentworth was Gentleman of the Bedchamber to Prince Henry in 1610. In addition, Mr. Sackville was a relation to Lord Buckhurst and Sir John Ayres was a very well-known troublemaker. The latter had been implicated in an attack against Sir

⁴⁷⁷ James Spedding, *An Account of the Life and Times of Francis Bacon*, Vol. II., (Boston: Houghton, Mifflin & Co., 1880).

⁴⁷⁸ Walpole's *Works*, Vol. I., p. 667.

⁴⁷⁹ This was an Officer who is employed in the King's Court or Marshalsea, and the Marshal's Men under him are properly the King's Bailiffs.

Edward Herbert in the year 1611. This popular Knight of the Bath was viciously attacked by a jealous husband, Sir John Ayres, whose wife had rather tactlessly had Herbert's portrait copied and set in a miniature which she wore about her neck "so low that she hid it under her breasts." Ayres demanded justice; he wounded Herbert but the latter threw Ayres "down and, kneeling on the ground and bestriding the enemy, struck him as hard as he could, wounding him in four places and almost cutting off his left hand."⁴⁸⁰

The final troublemakers we can mention, was Sir William Monson (Admiral of the Narrow Seas) later discovered to be a secret pensioner of the King of Spain;⁴⁸¹ and Sir Henry Vane, in his autobiographical sketch, tells us: "I put myself into Court, and bought a Carver's place by means of the friendship of Sir Thomas Overbury, which cost me £5,000." This purchase was made in 1612.

Overbury's Vision

WESTON⁴⁸²

A man of meager looks devoid of blood,
 Upon whose face Death's pale complexion stood;
 Of comely shape, and well composed of limb,
 But slender-made; of visage stern and grim.
 The hairs upon his head, and grisly beard
 With age grown hoary, here and there appeared.
 Time's iron hand, with many a wrinkled fret.
 The marks of age upon his front had set.

On the same day Weston is executed, Somerset's first examination at York House began. Before him came the Commissioners Lord Chancellor Ellesmere, the Duke of Lenox, Lord Zouch, and the Lord Chief Justice Coke. We have no extant document of how the examination proceeded or what was asked and answered. The following day, Lidcott was examined in regards to his behaviour at Weston's execution and confirmed those he was

⁴⁸⁰ *Memoirs of Lord Herbert of Cherbury*, ed. J. G. Nimmo, 1886.

⁴⁸¹ Harl. MS., 7002, fol. 281: Correspondence of Sir John Digby to King James (September 9, 1613).

⁴⁸² Harleian manuscripts, Vol. VII.

with, pressed Weston to confess if he had poisoned Overbury or not.⁴⁸³ As a consequence of the event, Lidcott forwards his petition.

Sir John Lidcott's Petition

To the Right Honourable Thomas Lord Ellesmere (Lord Chancellor of England); Duke of Lennox; George Lord Zouch (Lord Warden of the Cinque-ports); and Sir Edward Coke (Knight Lord Chief Justice of England).

All of his Majesty's most honourable Privy Council.⁴⁸⁴

The humble Petition of Sir John Lidcott, Knight, who humbly desires your Honours, that whereas your petitioner was justly committed by your Lordships for demanding of Richard Weston (when he was to be executed) whether he poisoned Sir Thomas Overbury or not, which question was not propounded out of any doubt which your petition did or could conceive, considering so foul and plain matter manifestly discovered and proved against him at his trial (where your petitioner was present) but your petitioner did demand the same question to the end that some of the company that were over inquisitive might receive satisfaction that he was guilty of the offence for which he was then to die, making no doubt but the said Weston (having confessed so much before against himself) would then have freely acknowledged the same, to which question Weston answered, 'What I know I have left with the Lord Chief Justice,' by which answer your petitioner did perceive his own rash oversight and error, and thereupon did refuse to use any further speech unto him, although he was earnestly incited and requested by some then there present to demand the same question of him again.⁴⁸⁵

Now, forasmuch as your Lordships' humble petitioner doth acknowledge, the said great offence and rash presumption, and is heartily sorry for the same, which he hopes your Honours will be pleased to conceive to proceed rather out of his sudden unadvisedness [not advised] than out of any doubt he could conceive of the said Weston's just trial and condemnation, he humbly craves pardon for the same, and further humbly desires your Lordships' favour for his enlargement, the rather because by the continuance of his

⁴⁸³ State Paper Office; Dom. Jac. I, Vol. 58, No. 246, in Coke's handwriting.

⁴⁸⁴ State Paper Office; Domestic Papers, 1611-1618. No. 247.

⁴⁸⁵ Nothing has been found to have been left behind to Coke by Weston as the latter expressed on the scaffold; at least nothing which the government thought was necessary to give to the public domain.

imprisonment there will come a perpetual blemish upon his reputation. And for your Honourable favour therein your petitioner shall stand much bound unto your Lordships.

LIDCOTT

The King then forwards two requests: One was to gather more intelligence on Cotton's involvement with "divers secrets of State" allegedly collected and sent to the Spanish Ambassador, to which Cotton was imprisoned for five months and called to clear himself before the Privy Council. By March 1616, he received a King's pardon and was released.

The second request was to Archbishop Abbott who was to "examine into an unmannerly and seditious message sent to his Majesty by Sir Thomas Howard." What this message was, we do not know; it is no longer extant. But perhaps it had to do with the Commissioners, one in particular, Sir Thomas Egerton (Lord Ellesmere Chancellor of England) and his part upon the trial of the King's mother when he advised that in her indictment she should only be styled "commonly called Queen of Scots," to avoid scruples about judging a Sovereign.

King James to the Archbishop of Canterbury, the Earl of Suffolk (Treasurer), Sir Ralph Winwood (Secretary) & Sir Thomas Lake

1615, 13 James I., Oct. 26, Royston. ⁴⁸⁶

We are given credibly to understand that Sir Robert Cotton, Knight, having amassed together divers secrets of State, has communicated them to the Spanish Ambassador, who has caused them to be copied out, and translated into the Spanish tongue. We do authorize and require you, to whom these letters are addressed, to call before you the said Sir Robert Cotton, and if you find, by lawful and sufficient proof, the information to be truly grounded, we will and require you to seize upon all his papers and manuscripts in our name and to our use, and to cause them to be brought into our Paper Chamber at Whitehall, there to be reserved, and digested in order, by him to whom that charge appertains. And further, we do require you to proceed against the person of the said Sir Robert [Cotton] as in your judgments and consciences you shall hold the nature of his offence justly to deserve.

Signed at the top.

TWO SMALL SEALS OF ARMS, WITH THE INITIALS E.R. (THE QUEEN'S SEAL?)

⁴⁸⁶ Michael Sparke (aka *Scintilla*), *Truth Brought to Light and discovered by Time or a Discourse and Historical Narration of the first XIII years of King James his Reign*, (London: Sparke, 1651).

To sum up events, it would be child's play for the government to implicate Weston in some type of "death by poison" case for many reasons; mostly due to his jobs which lingered within the heart of Jacobean Alchemists, pseudo Astrologers, witches, tailors and so-called doctors. Weston's ignorance (unable to read and write) was an additional assistance to the government; whatever was initially written down and termed his "confession," to which he added his mark, could easily have been changed in context before arriving to the Judges who found him guilty, since Weston was charged in absentia.

Weston had also endured the manacles and was threatened to being crushed to death; he remained "obstinate" as Coke told us. Yet, when visited by Sheriff Elwaies of London, a man he used to work for he agrees to stand trial. It should be remembered that Sheriff Elwaies's son (Gervase) was also being implicated in the Overbury case, so it would be natural for the government to persuade Sheriff Elwaies to go and visit Weston, offer him a King's pardon in exchange for some mild treatment at his son's trial.

All of a sudden, "by the instance of the Holy Ghost," Weston agrees to stand trial. He is given a "confession" to put his mark to, which was, that he administered at least seven poisons to Overbury in the Tower. It did not matter to Weston at this point what they were charging him with; he had the guarantee of a King's pardon, which was mentioned from someone he knew and had worked for.

So Weston goes ahead and stands trial; hears the "evidence;" is read his "confession," because he can't read; wisely pleads not guilty; the Judges blow this back into his face; condemn him; and, send him to the scaffold on October 25, 1615. Arriving at the scaffold, something happens, which was against the law and causes turmoil big enough to have at least five of the eight Courtiers arrested: They ask Weston if he poisoned Overbury.

As this turmoil is expanding, and the public ignorant enough to shout for Weston's blood, he is strung up and hanged. It was too late for Weston to resist or plead for his guaranteed pardon. And this is how the government had condemned Richard Weston who was "the principal" in the alleged murder of Sir Thomas Overbury.

The gates were now open to call in question "the accessories."

On October 27, 1615, Somerset writes to Coke in regards to letters he received from Sheriff Smith who was watching over his wife. The Sheriff mentioned how "the Cockpit is unfit for her, there being many doors and few keys. She intends to go to Lord Aubigny's house in Blackfriars. Desires he may first inspect the place and appoint her apartment. She

wishes to diet his family. [Pay for the inconveniences.] She will have six women servants and several men to attend her.” He also thought the attendants to her was “too large” and had no means to maintain them. “The Cockpit,” Smith wrote, “is so solitary that watch has to be kept all night; has refused her Ladyship’s offer to find food for his family, considering her wants. Asks whether he may grant her request to send someone to know how her Lord [Somerset] does.”

It should not strike us as peculiar that Sheriff Smith would write these requests to Somerset instead of writing directly to Coke, because Somerset was still in possession of the Great Seals of England. It is a peculiarity no historian has been able to explain, why Somerset still held the Seals when under custody in the Overbury case. It almost seems as though the King had backed off from his initial plot to implicate Somerset, but was cajoled and pressed to go ahead with it, being Weston was now executed and the gates open to charge the others.

So Sheriff Smith’s letters obligated authorities to remove Frances Howard to Lord Aubigny’s house in Blackfriars and on October 28, 1615, Somerset’s second examination took place “before dinner.” Again, what transpired is unknown; and still, no one comes to take the Seals from him.

October 29, 1615, Lumsden the Scots was examined and fined in the Star Chamber on November 10, 1615, for £2,000, “for judgment against Weston, written to defame the King.” The same day, Thomas Monson was again examined “as being guilty of witchcraft,” and an examination of a Dr. Francis Anthony was taken. He noted how “he and his wife twice sold *aurum potabile* to a servant of Overbury, while he was in the Tower, as an antidote for poison.” Dr. Anthony did not mention when this “antidote for poison” was sold to Overbury, which would have been informative.

However, Overbury had written to Somerset in June 1613: “I am of opinion, that villain Dr. Andrew gave them notice of your sending tarts.” If this is the same individual as with the Dr. Anthony, is possible.

After Somerset’s two examinations, the Commissioners write their following report and send it to the King at Theobalds on October 30, 1615. In response, the King requests they attend him at Whitehall, “at three o’clock” the next day. We can only give our readers the Commissioners’ report; what the King told the Commissioners was verbally and no minutes of that meeting have surfaced.

The Commissioners' Report to the King touching the Earl of Somerset

(October 30, 1615) ⁴⁸⁷

We are of opinion that there is vehement suspicion, and that the matter upon consideration of the examinations and testimonies is pregnant against the Earl of Somerset for being accessory to the poisoning of Sir Thomas Overbury before the feet done. And we had resolved to have committed the Earl to the Tower before his Majesty coming to Whitehall, if he had not had the custody of the Seals and other ensigns and ornaments of the King's special favour. The said Seals and ensigns being taken from him, we hold it necessary that the said Earl be committed to the Tower.

T. Ellesmere, Canc.

Lenox.

Zouche.

Edw. Coke.

It is not clear in the report if they were requesting from the King to order the Seals be taken from Somerset, or if the Seals had already been taken and Somerset should now be sent to the Tower. Camden says the Seals were taken from Somerset on November 2, 1615, so the report most probably alludes to sending Somerset to the Tower after the Seals are taken from him.

As requested, on October 31st, the Commissioners attend the King at Whitehall and Waad informs that the wife of Langton (Warder in the Tower) "having taken some broth left by Overbury, was made very ill. Overbury had wished to have a servant of Waad's to provide his diet." It would have been informative if we had the date of this suspected event, because Waad was not available to Overbury after May 13, 1613, since that was the date Waad was discharged; this meant that Overbury could not have asked Waad for "a servant" to "provide his diet." Waad's statement must be taken with some precaution of its credibility.

After the Commissioners left the King at Whitehall, a warrant is immediately issued from Coke to Sir John Keys to arrest Thomas Monson, "and to allow no one to have access to him." Not peculiarly, it is on this same day, after Coke and the Commissioners met the King, when Coke finally delves with more vigour into Prince Henry's murder.

⁴⁸⁷ Camden's *Annals*.

As we mentioned, the only individual on the planet in 1615 that had the authority to bring up Prince Henry's death was the King himself. So Coke, having the King's permission, requests inquiries to be done "relating to a banquet given at Highgate by a Papist to the late Prince, the May-day [of 1612] before his death." A note by Coke was "that Sir Arthur Mainwaring, the Prince's carver," being Anne Turner's lover, "lay at Mrs. Turner's house when the Prince sickened." In addition, Sir John Leeds and his wife (Monson's daughter) were committed for "unreverent speeches of the King, and speaking too much of this poisoning business."⁴⁸⁸ What they said can only be guessed. And finally for the month of October 1615, the one and only Dr. Savery was finally imprisoned "being addicted to magic." It was later revealed that, being "a sorcerer" he had been "employed by Frances Howard after Simon Forman's death" in 1611 to get rid of her husband.⁴⁸⁹

On November 1, 1615, Frances Howard's brother (Thomas, later Earl of Berkshire) was committed to the Fleet, while their mother was confined to her chamber at home.⁴⁹⁰ It is unknown what charges produced these commitments. The next day, a man called Edward Norman was examined and stated he was approached by a "waterman," called Jeffrey Platt to ferry to Blackfriars "and bade him tap at a certain window of the Countess of Somerset's house, and deliver letters to her man [servant] saying they were from the King and Council, which he did. No money was given him for his pains." And it is on this same day of November 2, 1615, that Camden tells us the Great Seals of England were finally taken from Somerset, and commanded by Lord Wotton to lay down the Staff including the badge of the King's Chamberlain, and to appear before the King's delegates.

So it looks that the Commissioners, when they met with the King at Whitehall, put down two specifics to be dealt with: The first that Somerset had to be relinquished from holding the Seals; and second, the Prince's death had to be investigated further. Why it took the King a fortnight (from the first meeting of the Commissioners on October 16, 1615, till November 2, 1615,) to retrieve the Seals from Somerset has never been explained. Yet, we believe what we mentioned earlier, and that is that the King had some doubts if he should actually proceed against Somerset with Overbury's death; but, with some nudging and

⁴⁸⁸ Correspondence of George Lord Carew to Sir Thomas Roe.

⁴⁸⁹ Camden's *Annals*.

⁴⁹⁰ *Ibid.*,

persuasion, he was finally obliged to see how things stood after Weston's execution was accomplished, and go ahead with the matter.

At the time, Sir George More (Treasurer to Prince Henry in 1610, and Chancellor of the Order of the Garter) ⁴⁹¹ "had been appointed Lieutenant of the Tower, ⁴⁹² being put into that place by the King's own appointment, without the privity of any man, concerning Somerset, who being in the Tower and hearing that he should come to his arraignment, began to speak big words touching on the King's reputation and honour. The King desired, as much as he could to make Somerset confess the poisoning of Overbury, and so not to come to his arraignment, but to cast himself on the King's mercy. But being a Courtier and beaten to these courses, would not; fully imagining, that the King dared not or would not bring him to his trial." ⁴⁹³

In addition, some highly peculiar rumours begin again to sail around the city about Prince Henry's death; this would be an average of three years since he had died. "There is a seizure made of the Earl of Somerset's goods, plate, jewels, horses, to his Majesty's use; and there is an inventory to be taken of it. The Lady Somerset is not yet delivered; but her time is said to be near at hand. Mrs. Brittaigne is committed to the King's Bench for some speeches she used of Prince Henry's poisoning, which she denied; but two men depose she spoke it." ⁴⁹⁴ What Mrs. Brittaigne's speeches were, according to the testimony of Richard Adams and Thomas Peade, on November 24, 1615, is "that Mrs. Brittaigne said Mrs. Callcot had offered her £5 to have the providing of half the Countess of Somerset's christening banquet, and that Mrs. Saule was the woman who served the banquet when the Prince was poisoned; which speech was denied by Mrs. Brittaigne." ⁴⁹⁵

November 3, 1615, a petition was considered from Somerset's Secretary, Walter James, who requested to be allowed to speak with Somerset "on his domestic affairs, in presence of the Lieutenant, George More; the petition was also for protection against Somerset's creditors, leaving borrowed large sums." Walter James needed to receive the revenues of Somerset's estate, "and discharge his debts there from."

⁴⁹¹ Thomas Birch, *The Court and Times of James the First*, Vol. I., 1848.

⁴⁹² Camden's *Annals*

⁴⁹³ A.J. Kemp, *Losely Papers*, 1835.

⁴⁹⁴ Correspondence between Throckmorton and Trumbull (December 7, 1615).

⁴⁹⁵ State Paper Office; Domestic Papers, 1611-1618. No. 76.

Thomas Monson's arraignment came on November 4th, though Coke had mentioned to the King in his letter -given earlier- that it would have been for December 3rd; Monson was indicted for conspiring with Weston to poison Overbury, to which Monson pleaded not guilty, and would be tried "by God and his country." Apparently, Monson required some surety from Thomas Howard, who in response sent a letter to Coke, saying: "After my hearty commendations, I have heard that Sir Thomas Monson thinks I can clear him, but I know nothing of him to accuse or excuse him; but I hope he is not guilty of so foul a crime." Monson noted he did not "accuse the Lord Treasurer, nor calumniate him," but wanted an answer to his two questions. What these questions were we do not know; Monson's letter to Thomas Howard is no longer extant. However, Monson did not leave the Bar or his survival in the hands of Coke, Bacon, Jury, Judges, and King.

"The Lord Chief Justice [Coke] having at this trial [Monson's] let drop some insinuations that Overbury's death had somewhat in it of retaliation, as if he [Overbury] had been guilty of the same crime [of poison] against Prince Henry, Sir Thomas Monson's trial was laid aside, and himself soon after set at liberty, and the Lord Chief Justice was rebuked for his indiscretion, and before the next year expired, removed from his post." ⁴⁹⁶

The "insinuations" mentioned in the State Trials Coke said at Monson's trial, was "God knows what became of that sweet babe Prince Henry, but I know somewhat."

In regards to the "retaliation," as if Overbury "had been guilty of the same crime [of poison] against Prince Henry," was what Sir Simonds D'Ewes also had pointed out including Arthur Wilson. And that was that Overbury had been guilty of poisoning Prince Henry, and "did first give that damnable and fatal advice of removing out of the way and world that royal youth by fascination, and was himself afterwards in part an instrument for the effecting of it; and therefore, say they in Scotland, it happened by the just judgment of God, afterwards as a punishment upon him, that he himself died by poison." ⁴⁹⁷

This vehement and direct attack in charging Overbury with poisoning Prince Henry in 1612 was coming from many sources. It came from Monson when he hinted that Overbury

⁴⁹⁶ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

⁴⁹⁷ J.O. Halliwell-Phillips, *Autobiography & Correspondences of Sir Simonds D'Ewes*, Vol. I., (London: Bentley, 1845).

had been involved in Prince Henry's death and would talk of "new discoveries." So it fired up the King's orders to Coke to inquire if these "new discoveries" implicated his royal person: "And where your Majesty wrote that you would gladly know whether this new discovery [of Monson's] concerns only this villainy, [Overbury's death,] or if it touch[es] you in some higher nature." How peculiar it is for King James to have asked Coke to inquire if Monson's "new discovery" only concerned Overbury's death or touched the King "in some higher nature," we leave our readers to contemplate, after all the evidence we produced that Prince Henry was poisoned. To us, it shows a guilty royal conscience.

The other individual to attack and strengthen further the Prince died of poison, was Anne Turner on November 11, 1615, when she said "she heard say that the Prince [Henry] was poisoned at Woodstock with a bunch of grapes; for the Earl of Somerset, he spoke so broad Scottish as she understood him not." ⁴⁹⁸ Anne Turner definitely tells us she heard this from Somerset, but she does not say who it was who poisoned the grapes and it is a pity she was not pressed upon this further. However, Coke most probably planted this information on Anne Turner because he already had Dr. Savery under examination (at a much earlier date) for his sayings in regards to Coke's investigation with Saule and his wife, who were confectioners at High Holborn and had provided for the Banquet at Arundel's house in May of 1612.

It should be remembered that after Somerset's trial in May 1616, the King ordered Coke to drop the investigation into the Prince's death after receiving the following letter from Somerset which was given earlier, but is well worth adding one more time.

The Earl of Somerset to King James touching the matter of Prince Henry's Death

(May 1616) ⁴⁹⁹

To this [letter] I may add, that whereupon I was judged, [at the Bar,] even the crime [Overbury's case] itself might have been none, [nothing,] if your Majesty's hand had not once touched upon it, [interfered,] by which all access unto your favour was quite taken from me. Yet as it did at length appear, I fell rather for want of well defending [myself], than by the violence or force of any proofs; for I so far forsook myself, and my cause, as that it may be a question whether I was more condemned for that, or for the matter itself [Overbury's death],

⁴⁹⁸ State Paper Office; Domestic Papers, 1615, Nov. 11, No. 283.

⁴⁹⁹ Bacon's *Works*, (Montague ed.) Vol. VII.

which was the subject of that day's controversy. And as in my former letters [no longer extant] so by this, I humbly crave of your Majesty not to let the practicers of Court work upon your son the Prince Henry; not fearing the sufferings of my loss in that particular [subject] so much, for I cannot lose [in] it, but willingly all with it, as for to take off the stage, that which in the attempt may prove inconvenient. I will say no further, neither in that which your Majesty doubted my aptness [fitness or readiness] to fall into for my cause, nor my confidence is not in that distress, as for to use that mean[s] of intercession or anything besides.

But to remember [remind] your Majesty that I am the workmanship of your hands, and bear your stamp deeply imprinted in all the characters of favour; that I was the first plant engrafted by your Majesty's hand in this place, therefore not to be un-rooted by the same hand, lest it should taint [stain] all the same kind with the touch of that fatalness.

The next individuals to mention, who were directly accusing Overbury of poisoning the Prince, was Sir Simonds D'Ewes (extract given earlier) and Arthur Wilson. There can be no doubt that Wilson and D'Ewes were getting their information from Coke, Monson, Saule, and Turner, unless they had additional proof, which is no longer extant.

Even if we set aside D'Ewes and Wilson's comments as being presumptions or erroneous, and even if Coke could be termed overzealous at Monson's trial in stating Overbury had something to do with Prince Henry's death, there is a factual event that took place with Monson and it is this: Whatever Monson was ready to say at his trial, in regards to the Prince's death, it saved his life. So word was sent to the King that Monson was about to reveal something which was directly linked between Overbury and Prince Henry's death; the King in turn sends for Monson's examinations, but since the King was at Newmarket, it would have taken some time for these documents to be put in his hands and this additional time allows for Coke to send Monson back to jail to await further procedures.

Coke then forwards his thoughts to the King.

Sir Edward Coke to King James ⁵⁰⁰

May it please your Excellent Majesty,

What comfort I have received in that your Majesty had vouchsafed with your own sacred hand to direct me in this great cause [the Overbury case] neither my time nor my pen can express, but I shall keep as a monument of your Majesty's high and Princely wisdom and as well of your gracious favour to me as of your trust in me, which I will endeavour to execute with all sincerity, alacrity, and readiness.

For Sir Thomas Monson, upon due consideration I had of your Majesty's letters, I intend to defer his trial; not in respect of any innocence I find in him, but that I am really persuaded he can discover secrets worthy and necessary to be known; and, he may be a good witness in some points which he affirms against the Countess; [Frances Howard;] and upon her [upcoming] examination, [it] had [been] deemed [a correct action], which may be a mean[s] to wet her tongue [make her speak] against him. He cannot be in [a] better case than he is, but in [a] worse he may be.

Concerning the vouching of the Lord Treasurer [Thomas Howard], I have not been slack in that which your Majesty does require, for I have it under his [Thomas Howard's] hand, that God does know that he can neither excuse nor accuse him.

For Franklyn he is only reserved for a time to give some light of this work of darkness. But the hour of your justice and the wickedness of the man is such as long continuance of his life cannot consist together, and therefore after a convenient time when as much as can be is extracted from him, as can be, execution shall be done, and your Majesty never troubled therewith.

And where your Majesty wrote that you would gladly know whether this new discovery [of Monson's] concerns only this villainy, [Overbury's death,] or if it touch[es] you in some higher nature, may it please your Majesty to be advertised that it concerns not your Majesty's own royal person nor the Prince [Charles] that now is, but some overture is made of some wicked attempt (besides this villainy [Overbury's death]) against some that be dear and near unto you, and besides some probable suspicions are given of some other persons, I will not say of what sex they be, to have had an hand in this crying sin of poisoning.

⁵⁰⁰ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

When the King finally received Monson's examinations, he saw nothing Monson stated worth his trouble, and perhaps thought, why the bother? But "Monson was too wise to set anything but fair in his confession; what he would have stabbed with, should have been *viva voce* at his arraignment," ⁵⁰¹ Welldon notes, and this is a logical tactic which Monson could have taken.

Regardless of Coke's assurance that Monson's secrets had nothing to do with the King, the latter decided that he "saw nothing worthy of death or of bonds" in Monson's accusations, which had been written out by Coke and gave his royal decision: Coke was to back off from any charges against Monson in being accessory to the fact in Overbury's death, and as a consequence, Monson's trial was over before it even began; "himself soon after set at liberty," by August 1616, and Coke "was rebuked for his indiscretion, and before the next year expired, removed from his post."

We see how the King took no chances with Monson. If we did not know better, after Monson's threats to reveal that Overbury was the cause of Prince Henry's death, and the King concerned enough to ask Coke to inquire if his royal person would be implicated, what Monson was prepared to reveal, saved his life. But this would mean that Monson had proof of what he was puffing; where he had this stashed or where he acquired it from, is difficult to establish now. All we can say from the evidence given is that Monson knew, and could prove, that Overbury had a hand in the Prince's murder and King James feared to be implicated. If the King feared that Overbury had left somewhere, to someone, evidence of his "damnable and fatal advice" to kill the Prince, which could also implicate the King, is possible, but how the King would be implicated, is also hard to establish. Yet, he must have been guilty in some way, because we see no other reason why the King did not go ahead with charging Monson, and we see no other reason why the King requested Coke to inquire if his royal person was implicated in Monson's "new discoveries."

Common sense tells us that an innocent man, who has the power of God, as King James felt he had, would not have been afraid of Monson's alleged accusations, assumptions or hearsay, unless the King was guilty, in some way, which Monson could bring forward with proof to use and so save his life.

⁵⁰¹ Sir Anthony Welldon, *The Court and Character of King James I*, 1650.

On November 6, 1615, it looks as though Dudley Digges was gossiping to Henry Neville how he fears “Somerset was desirous to be rid of Overbury, both he and Mansel told him, from Overbury’s own mouth, that he was confident Somerset would not dare to abandon him.” ⁵⁰²

And, it was now time to bring Anne Turner to the Bar on November 7, 1615, when the King departed London for Royston, ⁵⁰³ and her trial begins at the King’s Bench. We do not have the indictment, but we do have Anne Turner’s arraignment; however, it can only be found in John Nichols’s *Progresses* and is unfortunately with some error. . . or is it?

The Arraignment of Anne Turner at Westminster ⁵⁰⁴

She pleaded not guilty and put herself upon the country. There were twenty-four Jurors called, all Knights, Esquires and Gentlemen of great worth of Middlesex, ⁵⁰⁵ whereof twelve were chosen.

The poisons were *rosacre* mingled in broth, *arsenic* and sublimate in tarts and jellies, and *mercury sublimate* in a clyster whereof he [Overbury] died. After was declared the horribleness of poisoning, how in eight hours’ time by an act it was made Treason, and that in those days there was one Roe executed as a traitor for poisoning.

One Dr. [Simon] Forman, a notable conjuror, was repeated who joined with the Countess of Somerset and Mrs. Turner by sorceries and witchcraft, and he practiced by sorcery to draw Sir Arthur Mainwaring (Knight), to satisfy the lust of Mrs. Turner. The Countess, Forman and Turner practiced to murder Overbury and their execrable words by sorcery used and repeated. The Countess said she should never be happy till Overbury were dead.

[Was there a mistake of the recorder who copied these documents? Simon Forman had died in September 1611 and Overbury had died in September 1613. It was impossible Forman “practiced to murder Overbury” in 1613, unless Overbury was being poisoned earlier than we know of, to which Dixon (historian) also thought possible: “Lady Essex and

⁵⁰² State Paper Office; Domestic Papers, 1611-1618. No. 9.

⁵⁰³ John Nichols, *Progresses*, Vol. III.

⁵⁰⁴ Ibid.,

⁵⁰⁵ Notice the jurors were all from Middlesex as opposed from London.

the white witch [Anne Turner] had resolved to poison Overbury long before he was committed to the Tower.” ⁵⁰⁶]

Somerset’s practice to betray Overbury to prison by setting one [on] to deny to go Ambassador for Russia. Overbury called Somerset his precious chief, Weston a base pander, and was hated to the death for his honesty. Weston spoke to the Lieutenant of the Tower, ‘shall I give it him now,’ ⁵⁰⁷ meaning poison to Overbury, thereby implying the guilt of the Lieutenant. Weston was promised a pursuivant’s place by the Countess to effect it. A letter persuading to murder from the Countess to Weston openly read. After Forman’s death, whom my Lord Chief Justice [Coke] called the ‘devil Forman,’ and who also died four years since, Dr. Edward Gresham was employed for sorcery. Sir Arthur Mainwaring had two or three children by Turner.

* * *

Edward Ryder is examined on November 9, 1615, whose mother appears to have been the owner of the house occupied by Paul de Lobell, the French Apothecary who had attended Overbury in the Tower.

Examination of Edward Ryder

(November 9, 1615) ⁵⁰⁸

About the beginning of the term, I had occasion to go with my mother unto Doctor Lobell’s house, a walled one, where, when I had received my mother’s rent of Mr. Lobell’s wife, Mr. Lobell began to question with me about the death of Sir Thomas Overbury, and asked me what I did hear of it; unto whom I answered, that I heard no speech of it. Whereupon he began to discourse about the proceedings of my Lord Chief Justice [Coke] concerning the death of the said Overbury, saying that they went about to prove him poisoned; but, said he, he was not poisoned, but died of a consumption proceeding of melancholy, by reason of his imprisonment; speaking very hardly against those that went about to prove Overbury to be poisoned, saying that the clyster which they pretend was the cause of his death (for which

⁵⁰⁶ William Hepworth Dixon, *Her Majesty’s Tower*, Vol. II., (London: Hurst & Blackett, 1870).

⁵⁰⁷ In the six examinations of Weston, he never mentioned this. These “facts” if they can be called that, were presented later by Coke as Weston’s “additional” examinations which are no longer extant.

⁵⁰⁸ State Paper Office; Domestic Papers, 1615, Nov. 9, No. 276.

his son was called into question) was prescribed unto him by Mr. Doctor Mayerne, the King's doctor, and that his son had made it according to his directions (not once speaking of his man to have any hand in it); and used very reproachful words, saying that our English doctors were all but fools, speaking wildly of Dr. Butler [King's physician] and others, as also of Mr. Chamberlin, the Queen's surgeon, who does not like the proceedings of Mayerne, whom Dr. Lobell commended to be the bravest doctor, and that there was never a good doctor in England but Mayerne; to whom I answered, that I had heard otherwise in Paris, that he was indeed a braver Courtier than a doctor; but he continued still in his commendations, dispraising all others; and so after other to the same effect we departed.

About a week after, I went abroad with my wife about some business, and by accident we met with Dr. Lobell and his wife, near unto Merchant Tailor's Hall; where, after salutations on both parts, I asked him what he now did hear about the death of Sir Thomas Overbury, telling him that now it is too manifest [much rumoured] that he was poisoned.

I also told him that I heard it was done by an Apothecary's boy [William Reeve] in Lime-street, near to Mr. Garret's, speaking as if I knew not that it was his son's boy, although I knew that it was his son's boy that did the deed; and Mrs. Lobell standing by, hearing me say that he dwelt by Mr. Garret, and that he was run away, she, looking upon her husband, said in French, 'Oh! mon mari,' that is, 'Oh! Husband, that was William [Reeve] you sent into France,' or to that effect, whom she said was his son's man; whereupon the old man, [Lobell] as it seemed to me, looking upon his wife, his teeth did chatter as if he trembled, which stroke me also into a quandary to hear her say so; whereupon I asked him if he did send him away, and he answered me, that he sent him by a letter unto a friend of his in Paris, saying that he knew not the cause of his departing from his master, except it were for that his master used him hardly; which was strange to me, that he should give him a letter of commendations unto a friend of his in Paris, and not to know of his son the cause of his parting, and it made me conjecture that he indeed did know the cause of his departure.

Again I asked him whether the boy was an Englishman or a stranger. He answered me he was an Englishman, and his parents dwelt in Friday-street, and that they did speak to him to write to some friend by him, where he might be to learn the language; but of the boy running away he never spoke, neither can I hear that he run away before this act done; and so we parted.

EDWARD RYDER

Trumball said Reeve was located in Brussels at the time of his so-called “confession” on his sickbed. Wilson and Greville however say Reeve was in France when Somerset sent someone to “take him out.” Whatever the truth in Reeve’s case, Ryder mentions that Lobell said the clyster given to Overbury “was prescribed unto him by Mr. Doctor Mayerne, the King’s doctor.” But remember what Weston remembered in one of his examinations; that Overbury “had divers baths given to him;” the last given “two or three days before he died, and when Overbury received a clyster, given him by Paul de Lobell,” ⁵⁰⁹ not by Lobell’s son as Ryder was puffing to the Judges.

The month of November was “barren” as Edward Reynoldes to Francis Mills wrote; this was “owing to the imprisonment of the Seal” meaning Somerset’s arrest. But by November 9th, two days after Camden told us the Seal was taken from Somerset it was “now in the King’s hands, which hinders business.” ⁵¹⁰ We wonder if this hindering of business had to do with the King’s ignorance on how and where to use the Seal.

On Friday, November 10, 1615, Lord Hay wrote to Coke how the King desired Anne Turner’s execution to be held back till Monday (13th November) or Tuesday (14th November), and that “divines may have access to her, and try to draw her to confess. Priests might be secretly admitted, if thought fit.” ⁵¹¹ The same day, Dr. Whiting, Coke’s planted “divine,” extracted the following from Anne Turner which is enveloped with propaganda, to say the least.

The Conference between Doctor Whiting and Mrs. Turner

(November 10, 1615) ⁵¹²

(She desiring that it might be in private)

After the Christian exhortation made by John Whiting, Doctor of Divinity, she made a true confession. She confessed herself to be a most vile, abominable, and monstrous sinner; and she being exhorted to make a humble petition to me and particular confession of her sins, “Why should I,” said she, “confess to them that will not give me absolution?” “Yes,” said the Doctor, “upon your firm repentance and lively faith, I can do it as much as any priest, yea, as much as the Pope himself.” And afterwards she, after many exhortations and pressing of

⁵⁰⁹ MS. State Paper Office, 1615, Oct. 6. No. 166.

⁵¹⁰ State Paper Office; Domestic Papers, 1611-1618. No. 13.

⁵¹¹ State Paper Office; Domestic Papers: Nov. 10, No. 277.

⁵¹² State Paper Office; Domestic Papers: Nov. 10, No. 282. This paper is in Coke’s handwriting.

her, confessed that she knew of the poisoning of Sir Thomas Overbury before it was done, and kept it secret, and denied it upon her examination. She would not hurt that lady [Frances Howard] that formed [the] plot, who was, she said, “as dear unto me as my own soul;” and therewithal wept and lamented exceedingly; [she] meant [meant] also the Earl of Northampton; [Henry Howard;] and after the passion was somewhat over, she with great grief said, “I am afflicted.” And being demanded wherefore, answered, “I am afflicted that I did not say so much yesterday when I was tried; for now, seeing that I denied it so openly, who will now believe me? But they will say that I am a dissembler.” She also said, “Now that I have confessed it, where is the comfort?” And the Doctor gave her such ghostly consolation as she consented to receive the communion at his hands the next day. And yet she never received the communion after the form of the Church of England in her life, but she said that ever since the “Powder Treason” [in 1605] she disliked that religion, but yet never received the communion, for that she heard that they that should eat and drink the supper of the Lord unworthily should eat and drink their own damnation.

* * *

Coming November 10, 1615, Bacon appears in the Star Chamber to deliver his charges against those who had questioned Weston on the scaffold. Of Lidcott, Hollis, Vavasor, Wentworth, Sackvill, Ayres, Monson, and Vane, only two were charged: John Hollis and John Wentworth.

Bacon’s Charge

Against Sir John Hollis & Sir John Wentworth ⁵¹³

For the Offence of Sir John Hollis and Sir John Wentworth, which was, to scandalize the justice already past, or to cut off the thread of something that is to come, these two Gentlemen came mounted on horseback, and in a rustling and facing manner, presumed to examine Weston, whether he did poison Overbury or no[t]; directly cross to that which had been tried, and judged. For what was the point tried? That Weston had poisoned Overbury. And Sir John Wentworth’s question was, whether he did poison him; a direct contradictory.

⁵¹³ Arthur Wilson, *The History of Great Britain, Being the Life and Reign of King James the First, Relating to what passed from his first Access to the Crown, till his Death*, (London: Richard Lownds, 1653).

Whereupon Weston answered, that he did him wrong; and turning to the Sheriff [Elwaies, said] ‘You promised that I should not be troubled at this time.’ And yet nevertheless Wentworth pressed him to answer, that he might pray with him.

I know not that Sir John Wentworth is an Ecclesiastic, that he should cut any man from communion of prayer; and for all this vexing of the spirit of a poor man, now in the gate of death, Weston stood constant and said, ‘I die not unworthily; my Lord Chief Justice has my mind under my hand [confession] and he is an honourable and just Judge.’ Sir John Hollis was not so much a questioner, but wrought upon the others questions, and like a Counselor, wished him [Weston] to discharge his conscience, and to satisfy the world.

A fine of £1,000 and a few months imprisonment was the consequence of Sir John Wentworth and Sir John Hollis’s actions at Weston’s execution.

The following day, Dr. Whiting visited Anne Turner again, to extract and “press her conscience” for more information the government needed to feed to the public.

The Conference between Dr. Whiting & Mrs. Turner

(November 11, 1615) ⁵¹⁴

After the receiving of the communion she said, “I thank God and you for the comfort I have received from this good work of yours today; my conscience is much more eased than it was, and I would to God all the rest that be in my state would do the like, it would be far the better for them and their souls. I would to God I had known you sooner, that I might have done you some good, for now, like an unhappy woman, I am not able to recompense you.” He [Whiting] telling her, that if her sins were greater than they are, yet God’s mercies were greater than they: To which she answered, “Greater they cannot be.”

She further said Franklin is a villain, and desired much she might not die that day he died, he is so foul. She came first acquainted with him by her maid Johan, other physicians neglecting to come to her, as they were wont in her husband’s time; and said also, that Sir Thomas Monson preferred Weston to this business, [poisoning,] and that he was a proud

⁵¹⁴ State Paper Office; Domestic Papers, 1615, Nov. 11, No. 283. This paper is in the handwriting of Coke.

and odious man not loved in Court; and being demanded whether his hand was not in this business, she said "If you will have me say so, I will; and Monson will be one of them that will say I go to the devil in respect that she had received the communion. O that unhappy Lieutenant [Elwaies] that might have saved all this; a Lieutenant for the nuns. Would to God he had never had come there. If any were in it that I know, it was the Lord Privy Seal." [Henry Howard.]

Whereupon the Doctor [said], "But you know some were in it therefore;" to whom she said "Conclude what you will." And being demanded whether the Earl [Henry Howard] was poisoned, or that he did poison himself as the world talked, she said, "I cannot tell that, but he could die when he list. [wished.]"

All the letters that came from the Lord of Somerset to the lady [Frances Howard] came in the packet of the Earl of Northampton, [Henry Howard] and from him she had them. She saw the jellies in my Lady's chamber to go to Overbury, but neither knew who made them nor who carried them.

She confessed she delivered money to Weston, but no such a matter as was spoken against her. She heard say that the Prince [Henry] was poisoned at Woodstock with a bunch of grapes; for the Earl of Somerset, he spoke so broad Scottish as she understood him not. "But have you not enough against these already?" meaning the parties above named. "I would my death would discharge all theirs. Lord, that so many should have so hard a fortune. I thought not so notoriously of my faults, because it was neither against the King, Queen, Prince, nor any of the Lords of the Council."

She confessed that Weston told her that he was set on work to poison Overbury; and that all the house said when he was first cast in prison, he would never come out again, meaning the Lord of Rochester's house.

She said that the Countess of Somerset should not be hanged, for she would die in childbed by a wet cloth upon her belly after her delivery. And she with great passion said of my Lady Somerset, "O my Lady Somerset, woe worth the time that I ever knew her. My love to them and to their greatness have brought me to a dog's death." Mrs. Wedge, sister to Mrs. Turner, dwelling in Aldersgate Street, said that Mrs. Horne, servant to the Lady Somerset, can say more than Mrs. Turner, for she was more inward with her; her husband is one of the Guard. She vehemently exclaimed against the Court: "The Court, the Court! God bless the King and send him better servants about him, for there is no religion in the most of them, but malice,

pride, whoredom, swearing, and rejoicing in the fall of others; it is so wicked a place, as I wonder the earth did not open and swallow it up. Mr. Sheriff, put none of your children thither.” She said that she knew that she should die this year, because [Simon] Forman had told her that she should not live out the 40 years of her age, for if she did, she should live till she was a very, very old woman; and till the 5th of January she was not 40.

“Neither my Lady Suffolk nor my Lady Somerset ever received the communion; oh, their greatness has undone me; but if there were a religious man amongst them, it is my Lord Knolles. Ah, it is a bad, wicked, and damnable world, but if you live Mr. Doctor, you shall see it worse;” but would not express anything in particular. She said that Weston being asked a little before Overbury’s death whether he were dead, “No,” said he, “not yet; but now I will go send the knave ⁵¹⁵ away packing, I will pull away his pillow ⁵¹⁶ and then be gone.”

Written out of Doc. Whiting’s notes,
instantly written with his own hand.

Edw. Coke.

[Indorsed by Lord Coke]

Mrs. Turner’s confession after judgment

On warrior Tuesday, November 14, 1615, Anne Turner, at the age of thirty-nine, was executed after being “condemned for witchcraft and magic,” ⁵¹⁷ and was hanged at Tyburn. At the time, witchcraft in particular was punished by hanging on the basis of Exodus 22:18: “Thou shalt not suffer a witch to live” and Leviticus 20:27, “a man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death. They shall stone them with stones.”

Anne Turner’s condemnation for “witchcraft and magic” is extraordinary, considering she was being accused for poisoning and contributing in the death of Overbury. But it proves throughout this research what we mentioned about Weston also can be said for Anne Turner’s case: That there was no evidence against them sufficient enough to condemn them for Overbury’s death. It all lay on assumptions, hearsay, and pressed “confessions” from Dr. Whiting and/or torture. Condemning Anne Turner for “witchcraft and magic” was good

⁵¹⁵ Henry Howard used to call Overbury “knave.”

⁵¹⁶ Perhaps Welldon’s account of Overbury being stifled to death was taken from this account.

⁵¹⁷ John Nichols, *Progresses*, Vol. III.

enough; and perhaps the King had sprinkled some of his “King’s Craft” on his suspected knowledge of witchcraft to finalize and guarantee her conviction.

The Execution of Anne Turner

By Sir Edward Coke

(November 14, 1615) ⁵¹⁸

This day Mrs. Turner, betwixt the hour of ten and eleven, being brought to Tyburn in a cart, was admonished by Dr. Whiting to say something to the people, which were an infinite number, concerning her fact. She said that she had deserved death, and came thither to die for the fact for which she was condemned. [Being witchcraft.] In her trial she confessed she had a most just proceeding, and that she was much bound to his Majesty for it. She said she should die a Protestant, ⁵¹⁹ according to the religion professed in the Church of England, and that she had received the communion, whereby she found exceeding comfort.

She desired all the world to forgive her, and did profess to forgive all the world; and did pray all that were there to pray for her, for she had been a grievous sinner; and wished all people to take example by her, and to detest pride and malice, which had brought her to that. Which though she said was a shameful death, yet she acknowledged God’s mercy in it, for by that means she came to know herself, and was made truly penitent, and desired God that all that were in the same estate with her might receive the like comfort as she had done. She had, she said, been in the hands of the devil, (or to that effect) but God had redeemed her from him, and that he had preserved her from many dangers in her life, wherein if she had perished, she had died more miserable for her soul’s health than now she hoped she should. She prayed for the King’s Majesty, that God would give him all happiness and preserve him from all dangers; and desired God to bless the Royal issue and the Council.

Then she demanded if she might not pray for that poor Lady [Frances Howard]; answer being made [to] her by Dr. Whiting that she should do a charitable deed in it, for she had need of her prayers; whereupon she said, “I must pray for her, and will pray for her whilst I

⁵¹⁸ (a) State Paper Office; Domestic Papers, 1615, Nov. 14, No. 290; (b) Correspondence of John Castle to James Miller (Southampton, November 1615). Lingard must have been mistaken when he said that Anne Turner was executed on November 9, 1615.

⁵¹⁹ It is very doubtful Turner converted from Catholicism in such a short duration of time; even more impossible since it would not serve as a merciful act to save her life. This was just mentioned for propaganda purposes.

have breath.” The Sheriff said that when she named the Lady [Frances Howard] she did likewise name the Earl [Somerset], which was heard not.

Then kneeling upon her knees in the cart, a prayer was read unto her by the ordinary, which she repeated after him, and likewise the Lord’s Prayer; which being ended, the rope was put about her neck, being before upon her shoulders, her hands were bound with a black silk ribbon, as she desired, and a black veil, which she wore upon her head, being pulled over her face by the executioner, the cart was driven away, and she [was] left hanging, in whom there was no motion at all perceived.

* * *

Anne Turner’s brother, who was a servant to Prince Charles, took his sister’s body down from the gallows and made sure she was buried in St. Martin’s-in-the-Fields.

Overbury’s Vision

MRS. TURNER ⁵²⁰

It seemed that she had been some gentle dame,
For on each part of her fair body’s frame
Nature such delicacy did bestow,
That fairer object often it does not show.
Her crystal eye, beneath an ivory brow.
Did show what she at first had been; but now
The roses on her lovely cheeks were dead
The earth’s pale colour had all overspread.
Her sometime lovely look; and cruel Death,
Coming untimely, with his wintry breath.
Blasted the fruit, which cherry-like in show
Upon her dainty lips did wholesome grow.
Oh how the cruel cord did miss become
Her comely neck and yet by law’s just doom

⁵²⁰ Harleian manuscripts, Vol. VII.

Had been her death. Those locks like golden thread.
That used in youth to enshrine her globe-like head.
Hung careless clown; and that delightful limb,
Her snow-white nimble hand that used to trim
Their tresses up, now spitefully did tear
And rend the same. Nor did she now forbear
To beat that breast of more than lily-white.
Which sometime was the lodge of sweet delight.
From those two springs where joy did wholesome dwell,
Grief's pearly drops upon her pale cheeks fell.

After Turner's execution, Coke wrote to the King how he found similarities between the discovery of the Powder Poison, which was Overbury's case, to that of the Powder Treason, being the Gunpowder Plot of 1605, to being "a sign of God's favour towards his Majesty."⁵²¹

The King must have thought it a damn shame that his eldest son's death did not fall one day earlier (November 5th) than when it did (November 6th); this way, he could have celebrated in pomp to what Coke told him, since he was so afraid of what Thomas Monson could implicate him in.

On November 15, 1615, Somerset "intimated that he had some important State secret to communicate. And when the King replied by directing the Commissioners to hear what he had to say, Somerset declined to tell them anything alleging that it did not concern the criminal part of business, and requested an interview with Lord Knolles and Lord Hay."⁵²²

The following day (November 16) in his defense, Gervase Elwaies makes the following complaint of his treatment by Coke.

⁵²¹ John Nichols, *Progresses*, Vol. III.

⁵²² James Gardiner, *Studies in English History*, Vol. XVIII (1881).

Sir Gervase Elwaies's Complaint

Against the Lord Chief Justice, Sir Edward Coke ⁵²³

My Lord,

Before I answer to the matter of charge against me, let me remember your Lordship of one speech which I learned from your mouth; I have heard you speak of it at the council-table, and you have delivered it at the Assizes in the country: That when a prisoner stands at the Bar for his life, comfortless, allowed no counsel, but strong counsel against him, perchance affrighted with the fear of death, his wife and children to be cast forth out of doors, and made to seek their bread; you have always pitied the cause of such a one. You have protested you had rather hang in hell for mercy to such a one, than for judgment. My Lord, you have not observed your own rule in my cause; you have paraphrased upon every examination, you have aggravated every evidence, and applied it to me, so that I stand clearly condemned before I am found guilty. If I be so vile a man as your Lordship conceives me, I were unworthy of any favour; [Lieutenancy of the Tower] but I hope your Lordship shall not find it [so].

* * *

Elwaies above well notes to Coke, that if he was such a “vile man” as Coke protests, then the King should have recognized this before offering him the Office of Lieutenancy in the Tower. Also notice that at least with Elwaies, he was not allowed council; and, when this happened, the trial of the individual was nothing more than a sham, and only staged for the publics' ignorance.

It was well said by P.T. Barnham (centuries later) how “people like to be fooled,” and King James knew this quite well.

The same day Elwaies complains of his treatment by Coke, the pseudo physician, James Franklin, gives his first examination. The first part is from the original; the remainder of the examination is a copy by someone who wrote it out.

⁵²³ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

Examination of James Franklin

(November 16, 1615) ⁵²⁴

Mrs. Turner came to me from the Countess [Frances Howard] and wished me from her to get the strongest poison I could for Overbury. Accordingly, I bought seven: *Aqua fortis*, [acid,] white *arsenic*, Mercury, powder of diamonds, *lapis costitus*, great spiders, and *cantharides*; all were given to Overbury all several times. ⁵²⁵

And [I] further confess, that the Lieutenant knew of these poisons; for that appeared, said he, by many letters which he wrote to the Countess of Essex [Frances Howard] which I saw, and thereby knew that he knew of this matter. One of these letters I read for the Countess [Frances Howard] because she could not read it herself, in which the Lieutenant [Elwaies] used this speech: "Madam, the scab is like the fox, the more he is cursed, the better he fareth;" and many other speeches.

[The particular letter which Franklin talks about was presented at Somerset's trial in May 1616. According to David Jardine, "Evidence to belief as to handwriting held sufficient; evidence of handwriting by a comparison of writing was not admissible." ⁵²⁶ We do not know if a comparison of writing was admitted at the time. As to the "Scab," Coke in one of his *Memorandum* stated: "The Lieutenant [Elwaies] confessed that it was agreed between himself, the Countess, [Frances Howard,] Lord Northampton [Henry Howard] and [Thomas] Monson, that Overbury, in their correspondence, should pass by the name of the 'Scab.'" ⁵²⁷]

Overbury never eat white salt, but there was white arsenic put into it. Once he desired pig [pork] and Mrs. Turner put into it *lapis costitus*. The white powder that was sent to Overbury in a letter he [Franklin] knew to be white *arsenic*. At another time he had two partridges lent him from the Court; and water and onions being the sauce, Mrs. Turner put in *cantharides* instead of pepper; so that there were scarce anything that he did eat, but there was some poison mixed.

⁵²⁴ State Trials: The trial of Sir Robert Carr (1st Earl of Somerset), May 25, 1616; for the murder of Sir Thomas Overbury in the 14th year of King James I's Reign.

⁵²⁵ We are not told by Franklin when these poisons were given to Overbury; Weston did not give them and neither did Elwaies.

⁵²⁶ *State Trials* (London: Longman, 1828).

⁵²⁷ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

For these poisons the Countess [Frances Howard] sent me rewards: She sent many times gold by Mrs. Turner; she afterwards wrote to me to buy her more poisons. I went to her, and told her I was weary of it; and I besought her upon my knees, that she would use me no more in those matters. But she importuned me, bed me go, and enticed me with fair speeches and rewards; so she overcame me, and did bewitch me.

Remaining examination copied by a recorder

The cause of this poisoning, as the Countess [Frances Howard] told him, [Franklin] was because Overbury would pry so far into their suit, as he would put them down. He [Franklin] did also say, that the toothless maid, trusty Margaret, was acquainted with the poisoning; so was Mrs. Turner's man Stephen; so also Mrs. Horne, the Countess's [Frances Howard's] own hand-maid. He [Franklin] said on the marriage-day of the Countess [Frances Howard] with Somerset, she sent him [Franklin] £20 by Mrs. Turner; and he was to have been paid by the Countess [Frances Howard] £200 per annum during his life.

That he [Franklin] was urged and haunted two hundred several times, at least, by the Countess [Frances Howard] to do it against his conscience. He said, she was able to bewitch any man; and then be wrought the love between Rochester and her; and that he had 12 several letters from her to prosecute it, and was to have £200 to continue their loves until the marriage; and that all things were burnt since the first discovery.

The seven poisons which Franklin testified "were given to Overbury all several times," have their own individual potency; and when mixed, it is unknown what they will produce to a man's health if taken "all several times." Franklin tells us that "there were scarce anything that he did eat, but there was some poison mixed." These potent elements were no doubt known to those who were examining Franklin or explained by Apothecaries advising the lawyers; and so Franklin's statement needed some diversion from common sense on how Overbury endured these potent chemicals: "The more he is cursed, the better he fareth." This phrase added to the despicable characters of those involved in the case which the government was trying to prove guilty; the worse said the better; discredit of character and propaganda at its highest.

Bacon, being the King's Attorney-General, had a special study of narcotics, and of numerous plants and fruits that are narcotic in their nature. He even speaks of the efficacy of such potions in inducing what he called "voluntary or procured trances." He went into the subject so thoroughly, publishing the results of his researches in two different books, the fruits of a lifetime of study that we may well refuse to find the source of any part of his knowledge of it in a Shakespearean play.⁵²⁸

1. Aqua fortis

The first Franklin mentions was *Aqua fortis* meaning "strong water," being an obsolete name for "nitric acid" (HNO₃) and "acid of nitre" a colourless or yellowish, fuming, suffocating, caustic, water-soluble liquid, used chiefly in the manufacture of explosives and fertilizers and in organic synthesis.

Aqua fortis has a health hazard rating of 3; it is highly toxic if not administered properly and highly corrosive. It reacts with water to produce heat and is corrosive to metals.

We do not know how Overbury was administered *Aqua fortis*; if administered properly, as Bacon took it, then the effects would have been to Overbury as to Bacon, who was in no more danger (than you are reading this research) for "thirty years" as Bacon's Chaplain and good friend, William Rawley, noted "he took in the quantity of about three grains in thin warm broth every morning, for thirty years together next before his death."⁵²⁹

2. White arsenic

The second Franklin mentioned was "white *arsenic*" (As₂O₃), which was substituted for "white salt" in Overbury's food. Again, we are not told how much quantity or frequency white *arsenic* was used, but evident it is was powdered into dust to pass as "salt."

Arsenic has a health hazard rating of 3. It is immediately dangerous to life or health at 5 mg because our bodies do not readily absorb the element itself; hence pure *arsenic* is much less dangerous than *arsenic* compounds which are absorbed easily and are carcinogenic with high toxicity.

We do not have any information on the nature *arsenic* was given to Overbury; however, it could not have been fatal for him since a human body reacts lethally to *arsenic* at 5 mg.

⁵²⁸ Sir Francis Bacon, *Advancement of Learning*, 1603-1605.

⁵²⁹ James Spedding, *Life*, Vol. I., p. 3; William Rawley, *Life of The Right Honourable Francis Bacon*, 1657.

3. Mercury

The third Franklin mentioned was Mercury, which was first mentioned by Aristotle (400 B.C.) and termed by Theophrastus around 300 B.C. as “liquid Silver.” It is named after the Greek god “Mercury” who was the messenger to the gods and was known for his speed.

Mercury can cause neurological and kidney damage including blindness. It is also associated with birth defects and is very damaging to aquatic life.

How much and how it was given to Overbury we do not know; it is evident that Mercury would have caused him some considerable internal damage but would not have killed him. Bacon was experimenting with Mercury in gold but “erred in his calculations,” Spedding notes. “He concluded that the density of mercury is to that of gold as thirty-nine is to forty, nearly; the real ration being as little more than a seven to ten. However, it is well known that the expansive force of the vapour of mercury at high temperatures is enormous.”⁵³⁰

4. Powder of diamonds

The fourth which Franklin mentions is powder of diamonds. The belief that the diamond fractured the teeth if it were put in the mouth, and ruptured the intestines if it were swallowed, already appears in pseudo-Aristotle,⁵³¹ and can therefore be dated back to the ninth and perhaps to the seventh century. This fancy evidently owes its origin to the fact that the diamond, because of its hardness, was used to cut all other stones, and the idea of its destructive quality was strengthened by the old legends regarding the venomous serpents which guarded the place where it was found. Hence, the firm conviction, that it would bring death to anyone who swallowed it.

In 1563, it was proved that the powder of diamonds was not poisonous. According to Garcias ab Orta (author) he noted how the diamond was not used for medicinal purposes in the India of his time, except when injected into the bladder to break up *vesical calculi*. He notes, however, the prevalent belief that diamonds, or diamond dust, when taken internally, worked as a poison. As a proof of the falsity of this belief, Garcias adduces the fact that the slaves who worked in the diamond mines often swallowed diamonds to conceal them, and never experienced any ill effects, the stones being recovered in a natural way. The same author notes the case of a man who suffered from chronic dysentery and whose wife had for

⁵³⁰ Sir Francis Bacon, *Novum Organum*; Aphorismorum XXIV; Preface: *Historia Densi et Rari*.

⁵³¹ (a) Rose, *Aristoteles De lapidibus und Arnoldus Saxo*, Vol. VI; (b) Avicenna, *Liber Canonis Basileae*, 1556.

a long time administered to him doses of diamond dust. If this did not help him, neither did it injure him; finally, by the advice of the doctors, this strange treatment was abandoned. The man eventually died of his disease, but many days after the doses of diamond dust had been discontinued.⁵³²

The rumour that diamond dust was poisonous first came from the Greeks and travelled down to Jacobean England. The disciples of Paracelsus (1493-1541) spread the report that he died from the effects of a dose of diamond dust. Yet it only conjectures that this was only an excuse to explain the demise of the master in the prime of life, he was but forty-eight years old at the time of his death, although he had promised long life to all who made use of his medicaments.⁵³³

If anything, this diamond dust given to Overbury did not kill him. And if one wishes to take this a little further, the only individuals who had the economical capability to purchase diamond dust would have been Somerset and/or the Howards as opposed to Franklin who was barely able to support himself.

5. Lapis costitus (or lapis causticus)

The fifth mentioned by Franklin was *Lapis costitus*, which was added in Overbury's dish of pork. *Lapis costitus* is a layman's misprint for *lapis causticus* being three types of the Pharmacopoeias: *Potassa cum calce*; *potassa fusa*; and, *potassa caustic*. In short, it is "fused sodium" or "potassium hydroxide" (NaOH, KOH).

It is interesting how the same drug was rumoured to have been used on King James when lying sick, and George Villiers, then Duke of Buckingham, brought a "posset" which the King drank and a plaster which was applied to his body; the King shortly afterwards died. When, in 1626, after the succession to the throne of Charles I, the Commons came to impeach Buckingham, and one of the Articles of Impeachment (No. XIII) was based upon this conduct of the accused.

⁵³² Garcias ab Orta, *Aromatum Historia*, (Lat. version by Clusius). Antverpiae, 1579, p. 172. The Portuguese original was published in Goa, in 1563.)

⁵³³ Ambrosius, *Aldrovandi, Museum metallicum, Bononiae*, p. 949, 1648.

6. Great spiders

The sixth Franklin mentions were great spiders which were once supposed to be poisonous. We do not know how these were administered to Overbury, if they were administered, but probably they were crushed into powder.

7. Cantharides

The seventh and final potent element Franklin mentions was *Cantharides*, which was substituted for pepper in “partridges” and “water and onions being the sauce.” This was the known “Spanish fly” which contained the remains of a dried beetle.

On the same day (November 16th) as Franklin’s examination was given talking of seven poisons, Elwaies is arraigned to the Bar. He revealed it was not only Monson who recommended Richard Weston’s position as “under-keeper” to Overbury, but also Henry Howard; and how the tart and jellies were thrown away and not given to Overbury. Furthermore, Henry Howard had instructed him to keep Overbury in restrictions allowing no visitors. We know however, from the King’s correspondence given in this research, that it was the King who had Overbury restricted.

After leaving the Bar, Elwaies is visited by Dr. Whiting in “repairing to him for ghostly comfort.”

Dr. Whiting’s Conference with Sir Gervase Elwaies

(November 16, 1615) ⁵³⁴

Elwaies confessed to him [Dr. Whiting] that he wrote such a letter to the Countess, [“This scab is like the fox, who the more he is cursed, the better he fareth,”] and that it was agreed between the Earl of Northampton, [Henry Howard] the Countess of Essex, [Frances Howard] Sir Thomas Monson, and him, that this word (scab) should be the by-word in all their letters and callings to express Sir Thomas Overbury. He also confessed himself guilty in these three respects:

First, in distrusting God’s providence, in that he knew and concealed the wretched purpose to poison Overbury, and that any worldly respect of greatness or great men’s favour should

⁵³⁴ State Paper Office; Domestic Papers, 1615, Nov. 18, No. 305. This draft is in Coke’s handwriting.

keep him from the discovery thereof; whereby, and in his default in giving way to it, it had reached so far to the taking of the blood of himself and so many others as be in this case, and for making of so many fatherless and husbandless persons. And therefore he does justly suffer the very same judgment upon his own wife and children that now are cast into the world. And this was the grief that did lay upon him.

Second, in respect of his uncharitableness to Overbury, drawing tickets and writings from him according to those lessons and promptings given unto him by the Earl of Northampton [Henry Howard] and the Countess of Essex, and that he had justly deserved to die even for them.

Third, he confessed that many things had slipped his pen suspiciously and unadvisedly, whereof he can make no good account, and that in some of them there was matter sufficient to condemn him; wherefore he did neither condemn judge nor jury, but acknowledged the sentence was most just upon him.

And being much blamed by Mr. Doctor [Whiting] for being so obstinate at the bar, and denying of the truth so obstinately, answered, that he was not sensible of his guiltiness till he talked with Divines, [now Dr. Felton joined Dr. Whiting] who caused him to see it. And that he thought that trick might satisfy, that he had no felonious intent of himself to murder him, howsoever he knew that they had resolved it. And being charged with his desperate conclusion, mentioned in his letter to the Earl of Northampton, [Henry Howard,] and in one of the letters of the Earl to him, said, that he could not answer it. 'This was my villainy and foulness of my fact, that I, knowing it, suffered any man to practice upon him being under my custody, and not to discover it.'

He having warning on Sunday last, about five of the clock in the evening before he suffered, that he should suffer the next morning, the better to prepare himself for death, and not put upon him, when the messenger of death delivered that message, he being well exhorted by the Divines, desired to be private, and cast himself groveling upon his bed, and there the Divines left him for two hours. After the Divines repaired to him again and asked him how he did; who answered 'As well as a dying man may do. But I will tell you,' said he, 'I have since you went ripped up myself from my cradle, and have found myself to be a most horrible, filthy, vile, and beastly sinner, and one that had abused all the gifts and graces that ever God of his mercy had bestowed on me, turning them to wantonness, and the serving of my own concupiscence,' and many other matters to that purpose.

And whereas he thought that he had treasured up in his heart knowledge and comfort against the day of visitation, now he found himself destitute, for he did but flatter himself with that which was not in him. But yet the grace of God was in him in radical, although 'I have not now the lively fruit of it.' And then the Divines comforted him. Amongst other things, he said to the Divines, they pressing his conscience, that when Weston told him that he was to give Overbury poison, [Weston never mentioned this] and that Elwaies seemed to dissuade him; 'Why,' said Weston, 'they will have me give it him first or last. Let it be done so I know not of it.'

This same day, a man called Thomas Emerson, living in Northumberland, had boasted "that he could give a person poison which should not kill him for two years."⁵³⁵ That *Aconite* could be regulated to take effect and linger on a man's constitution for as long as two years until it killed him, was very well known in the Jacobean era. But this boasting at the time, how *Aconite* could be regulated for a long time before it killed a man, seems to have been circulating due to Coke's continual investigation in Prince Henry's death.

Declaration of Sir Gervase Elwaies

(November 18, 1615)

I have often since prayed to God to open what else I might heretofore know, and now might forget. This one thing concerning my Lord of Northampton [Henry Howard] God has put into my remembrance, that after Overbury was dead, he wrote to me, that I should send for Lidcott to see his body if he would, and that done I should have a priest ready (for that was his word) and presently bury the body, charging me to do this as I respected my friends; which upon the light that your Lordship had given of his privy, now it may be suspected he might be acquainted with the practice. Some words he had, calling them the 'damned crew' who would be ready to speak the worst.

As for myself, which gladly I would find out; or for any other more than I have already written, the Lord he knows I cannot say nor call to mind more. This I wrote, and I thank God [it] came

⁵³⁵ State Paper Office; Domestic Papers, 1611-1618. No. 37.

into my mind even before I was to receive the sacrament, either to my comfort or utter discomfort.

The letter, I have not.

GEO. ELWAIES.

The letter of Henry Howard to Elwaies above mentioned was the one given in our research, but will add it again to remind our readers of it: "Let me entreat you to call Lidcott and three or four friends, if so many come to view the body, if they have not already done it; and so soon as it is viewed, without staying the coming of a messenger from the Court, in any case see him interred in the body of the chapel within the Tower instantly. If they have viewed, then bury it by and by; for it is time, considering the humours of that damned crew that only desire means to move pity and raise scandals. Let no man's instance cause you to make stay in any case, and bring me these letters when I next see you. Fail not a jot herein, as you love your friends, nor after Lidcott and his friends have viewed stay one minute, but let the priest be ready, and if Lidcott be not there, send for him speedily, pretending that the body will not tarry."

The final event that occurred on November 18th was the King sending Lords Knolles and Hay to privately speak with Somerset in regards to some "state secret" he needed to convey to the King. Unknown what was mentioned at this meeting, Somerset was acquainted with the charges against him, beforehand, which was contrary to the practices of law as Coke explains: "And whereas he [Somerset] desires me to acquaint him beforehand with the things that are to be layed to his charge, besides that it is so far against the conscience and honour of a King to do it, it is altogether impossible for me so to do, although I had never so good a will to do it; for the Chief Justice refuses absolutely to serve in his place, as I told him at Royston. If I shall be acquainted with any articles concerning blood before the party come to his public trial." ⁵³⁶

At the age of fifty-four, Sir Gervase Elwaies, on November 20, 1615, was executed by hanging at the Tower Hill. We have not been able to secure for our readers, at least not from the State Trials, the exact charge which Elwaies was found guilty of. All we have is his own "confession" which was extracted through Coke's planted "divine," Dr. Whiting who gave

⁵³⁶ James Gardiner, *Studies in English History*, Vol. XVIII (1881).

“ghostly comfort” to the prisoner: “This was my villainy and foulness of my fact, that I, knowing it, suffered any man to practice upon him [Overbury] being under my custody, and not to discover [reveal] it.” ⁵³⁷

Elwaies had requested not to be executed at Tyburn being he had once held the office of Lieutenant of the Tower; his speech and repentance at the time of his death was written down and later published.

Overbury's Vision

ELWAIES ⁵³⁸

Seemed to be,
 When he did live, some man of good degree
 Amongst men on earth, one of so solemn look,
 As if true gravity that place had took
 To dwell upon. His person comely was;
 His stature did the meaner size surpass;
 Well shaped in every limb, well stepped in years.
 As here and there appeared in some grey hairs.

At Elwaies's execution, Sir Robert Cotton delivered a packet of Overbury's letters to Coke whilst watching Elwaies die. Amos believes the package “contained matter relative to an intrigue with Spain, in which Howard and Somerset were suspected to be implicated;” ⁵³⁹ Camden states they were “bundled letters of Overbury.” ⁵⁴⁰ The package of correspondence Cotton gave to Coke was obtained by a warrant to Sir Henry Fanshaw and others, dated the day for the examination of Somerset's papers and effects; and a return was made by the parties delegated for the purpose, under the head of “an inventory of the goods and evidences of the Earl of Somerset, shown to them by Walter James, his servant, at his lodgings at Whitehall.”

Amongst other papers found in the package given to Coke, were:

⁵³⁷ State Papers, James I., Dom.

⁵³⁸ Harleian manuscripts, Vol. VII.

⁵³⁹ John Nichols, *Progresses*, Vol. III.

⁵⁴⁰ Camden's *Annals*.

- Enumerated letters patents in a box of the creation of Carr to be Viscount Rochester, Baron of Brancepeth, and Earl of Somerset.
- Title deeds and other documents relating to lands in the counties of Dorsetshire, Devonshire, Surrey, Northampton, Westmorland, and Essex, the fruits of the bounty lavished on Somerset by royal favour.
- A general account of all the manors, Lordships, tenements, and hereditaments of the Earl of Westmorland, among these the manors of Brancepeth, Durham (which used to belong to Raleigh), Raby, Staindrop, Bywell, Bolbec, in the county of Northumberland. Sixty manors in all were enumerated, besides patents for the Constableness of Rochester Castle.

Several examinations had been taken on what the content of the letters contained “by the King’s direction in search of evidence concerning the Spanish negotiation,” Gardiner says. “And several witnesses had been examined by Coke on his own account in hope of finding some proof of the great Popish poison-conspiracy which he thought he had detected, and the discovery of which he had rather prematurely announced from his seat on the Bench, when he said, ‘God knows what become of that sweet babe Prince Henry, but I know somewhat.’ But nothing of importance came of either; nothing of the first which was thought sufficient to found a charge upon, nothing at all of the second. These things therefore being dropped, the preparations for the trials continued.”⁵⁴¹

Whether Somerset had committed High Treason in revealing secrets to the Spanish Ambassador, appears to have been the point in question. And as we shall see, Bacon also travelled down that path. However, when both Coke and Bacon arrived at the door of Prince Henry’s death of 1612, they were both cut off by the King as noted earlier from further investigating the matter as a Popish poison-conspiracy.

November 22, 1615, rumour circulated, according to Lord Oliver St. John who reported it to Coke, that “the Countess of Somerset counterfeited being with child, that she might invite the King, Queen, and Prince [Charles] to the christening, and poison them.”⁵⁴² Whether this was true or not, or why this was circulating, is anyone’s guess.

⁵⁴¹ James Gardiner, *Studies in English History*, Vol. XVIII (1881).

⁵⁴² John Nichols, *Progresses*, Vol. III.

The Commissioners wrote to the King on November 23, 1615, converting how Somerset had requested “pen, ink, and paper, to write something about his private affairs, they told him the Lieutenant of the Tower [George More] should write for him, which he refused.”⁵⁴³ And, on November 27, 1615, James Franklin is arraigned. No longer extant are his full examinations; all we have are three extracts of them which were voiced/read at Somerset’s trial in May 1616. The verbal extracts are dated November 12th, 16th and 17th of the year 1615 and will be given upon those dates. There is of course, in all glorious light, Franklin’s “confession,” in full, given to our one and only planted “divine,” Dr. Whiting, which will be given upon the date it occurred.

We have a letter written by Coke to the King in regards to Franklin; it is written on the day of Franklin’s trial. As our readers will notice, all Coke talks of in his letter are based on hearsay and exquisite assumptions.

Sir Edward Coke to King James

(November 27, 1615)⁵⁴⁴

May it please your Excellent Majesty,

This day was convicted and attained James Franklyn (physician) for being accessory before the fact done, for the poisoning of Sir Tho. Overbury upon such plain and luculent proofs as all the hearers were satisfied. He was not proceeded withal until he had discovered sufficient matter against the Earl of Somerset, and that I had fortified his testimony, by other witnesses, which by God’s providence I attained unto. For even as to a common fire, every man endeavours himself to quench it, so to this powder poison, that threatens a common danger, every man is ready to testify what he knows or hears. [meaning hearsay and assumptions.] And that the rather for that, they know a certain place to resort into, and to find one willing to sift out the truth without all respect of persons.

It falls now out by proof, that after that Franklyn had provided the poison, they first tried two of them upon a cat,⁵⁴⁵ which made the cat in such extremity for two days, wailing and mewing (for so they speak) as it would have grieved any to have heard her, and so died. Whereupon the Countess [Frances Howard] sent for Franklyn and told him that the poisons

⁵⁴³ State Paper Office; Domestic Papers, 1611-1618. No. 56.

⁵⁴⁴ State-Paper Office, Domestic Papers, 1615, Nov. 27, No. 325.

⁵⁴⁵ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846): Coke’s *Memorandum* states: “Where had you a cat that a medicine should be tried on her? To confront Margaret for the cat.”

were too strong, and said, that they must be so prepared as to lay longer in the body, before they should kill. I have found out also that the party that brought the salt and sugar to the Countess were poisoned with the white powder called *arsenic*.

It is also proved and confessed that as soon as Weston was apprehended, the Earl of Somerset came to the Countess, laying then at the Cockpit one evening, and thereupon Franklyn was presently sent for about ten of the clock at night, being then in bed, who presently came; and the first words the Countess spoke to him was, 'what now Franklyn; we shall all be hanged, for Weston has been sent for by a pursuivant, and he has confessed all. But upon your life Franklyn as you have sworn before, so swear again,' and so he did (but not upon a book as before he had done) never to confess that 'you did bring to me or to Mrs. Turner any poison, for' said the Countess, 'Franklyn, if you confess, you are sure to be hanged, and by God if you confess, you shall be hanged for me, for I will not be hanged.'

With that, Mrs. Turner said, 'no Madam, I will be hanged for you both,' and thereupon the Countess went out to him [Somerset] that was in the next chamber and brought these instructions from him: That Franklyn should deny that ever he spoke with the Countess, though he had so done an hundred times; and that he should say that he came always to Mrs. Turner for physic, and about going to cunning men and such like idle business. And happy it is that Weston was taken when he was, for it was plotted to have poisoned both him and Franklyn, but by the goodness of God they avoided it.⁵⁴⁶ And the Countess finding fault with Weston, that he had not given Overbury poison enough, Weston said that he had given him as much as would have killed twenty men.

[When Somerset talked at his trial about the scene at the Cockpit, he said the most logical that could be stated at that time: "If Franklin knew me so well, and that I was privy to the plot, why should then my wife and I (as he pretends) when he was there, speak so closely, [secretly,] and always out of his hearing and sight?"⁵⁴⁷]

Now forasmuch as he [Franklin] charges the Earl [of Somerset] in such direct and particular manner, he was demanded openly at the Bar, whether his examinations then showed to him taken before me and subscribed with his own hand were not true, which

⁵⁴⁶ Ironic since they were both executed.

⁵⁴⁷ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

openly and clearly he confessed to be true divers times. It is strange that such a wicked fellow and that (upon good proof) had *luem veneriam sive morbum Gallicum*, [French influence or disease] should be admitted to the Countess bedside, as both, Franklyn and the Groom of the Chamber have proved.

[Coke above alludes to what other witnesses were saying that Franklin had contracted the pox yet was allowed to see Frances Howard at the Cockpit. A man called Dr. Walgrave stated that on June 29, 1613: "Franklin came to him (brought by one Walter [Apothecary]). But here being interrupted to tell how he could remember the time [date] so precisely, he said he was a physician and did always note dow[n]e in a book the day that any patient came to him. And then this man (said he [Franklin]) came to me as full of the pox as ever I saw, leaning on a staff, his face all broken out and the marrow of his bones corrupted, that put him to great torment. I told him I heard he was a physician, and asked why he could not cure himself. He said he was come to take physique of me, but he must have such physique as might not hinder him to go abroad, for he must go to a great person. I told him he was not fit to go into any company, there was but 4 parts in a man and 3 of them were gone in him; therefore he must have rest and ease. So I gave him physique, and coming to him a week after he was prettily recovered. And then after other talk he asked me what was the greatest poison in the world. I marveled what he would do with it, and asked him if he meant to poison himself. He said no, but desired to know it. I told him I knew none for I never meddled with any. So I continued [to give] him physique a week longer, and he went abroad and was well, but paid me not for my pains a good while after. I found where he was in company, and called him to the door and asked him for money. What, said he, are you come to quarrel with me? No, said I, but I would have mine own. Said he, if you will I will meet you in Moore fields, and will bring £40 in my purse and a gelding worth £20. Nay, said I, I have not so much. But have you so much and will not pay me. With that I gave him 3 or 4 good blows over the face and left him." ⁵⁴⁸

⁵⁴⁸ Cal. S.P. Dom., 1611-18.

Where and why Franklin went “abroad” as Dr. Walgrave was saying, has never been revealed. The Apothecary called Walter was then examined: “He met Franklin in Bush Lane, who went then with a staff. They went into a house to drink, and there enquired of Walter what was the strongest poison in the world; talked of supernatural things which he did work by, offered to let him have one, but named not the Devil; and when he was sick wished some of his friends had it. And then said he must go to his La[dy] for money, from whom he had a weekly exhibition.” ⁵⁴⁹]

It was proved to his [Franklin’s] face that he had been in divers places to enquire out the strongest poison, and being rebuked to deal with such things and admonished to think of God, he most blasphemously answered, ‘Let them think of God that care for him, for I have great personages that will bear me out in what I do, and can have favour at my Lord of Somerset’s hands.’ And it was also proved that he confessed that he had a wicked spirit at his commandment and when he was once sick, he would gladly have been rid of him and offered to set him over to another.

As soon as he was condemned, and returned to close prison, I sent a grave and learned Divine [Dr. Whiting] to him who had been with all the other prisoners, with instructions to press his conscience in divers particulars as well in this as in other poisonings, wherein no industry or care shall fail to find any further matter.

I humble beseech your Majesty to pardon me in that I express not particulars against any that shall be hereafter arraigned, for evidences loose a great part of their force, if they be evident or known before the trial. I have conferred with my brethren [Judges] of the King’s Bench, and upon consideration had, of all the parts of this case, we think it fit, that the Earl [of Somerset] should not be tried before the Countess, [Frances Howard,] for that the one has a dependence upon the other.

On Thursday next [December 3, 1615,] we proceed against Sir Thomas Monson, and would require the Sheriffs to return a substantial indifferent and understanding writ, for unto them the matters of fact must be left. And so giving thanks to Almighty God for the honour of your justice hitherto, and that upon every arraignment the commitment of the Earl [of

⁵⁴⁹ Cal. S.P. Dom., 1611-18.

Somerset] to the Tower is so absolutely justified. I shall continually offer up my prayers to the Almighty for your Majesty in all health safety and happiness long to reign over us.

From Sergeant's Inn this 27 of Nov: 1615.

Your Majesty's most humble and faithful subject
and servant.

EDW. COKE

Franklin is found (1) guilty of murdering Overbury and (2) procuring the poison: On the first account he said: "I was not contriver of so great a mischief, but, in concealing the intents of others." And on the second account he said: "I confess that some of the drugs [OMITTED] which were given Sir Thomas Overbury were delivered unto these women by me by their directions, at the first not knowing, yet afterwards I did conceal, and I freely confess unto all the world, that the greatness of one wicked woman, and the unfortunate acquaintance with the other, drew me to this assistance and consent."⁵⁵⁰

Franklin would have been hanged two days later, which was the usual procedure; however, as he left the Bar he dropped a hint to those about him by saying: "There were greater persons in this matter than were yet known." As a consequence, Dr. Whiting was sent by Coke on November 28th to Franklin in the Tower to "press his conscience," which produced the following "confession," noted down in Coke's handwriting.

James Franklin's Examination with Dr. Whiting

(November 28, 1615) *The Relation of Doctors*⁵⁵¹

The Doctors conferring with Franklin, and the Lord Treasurer [Thomas Howard] being named, he said, that he [Thomas Howard] was as far in [the poisoning] as himself. He said further, that the Lady of Somerset was the most imprudent woman that lived, and there was no (hoe) with her.

He confessed that he said at the Bar to some near to him, that there were greater persons in this matter than were yet known, and so in truth then, said he, 'there are;' and that, 'although the Chief Justice [Coke] has found and sifted out as much as any man could, yet that he is much awry, and has not come to the ground of the business, for more were to be

⁵⁵⁰ State Paper Office 3 Domestic Papers, 1615, Nov., No. 323.

⁵⁵¹ State Paper Office 3 Domestic Papers, 1615, Nov. 28, No. 326. This paper is in Coke's handwriting.

poisoned and murdered than are yet known and he marveled that they have not been poisoned and murdered all this while.’ He said further, that the man [William Reeve] was not known that gave him [Overbury] the clyster and that was it that did the deed. ⁵⁵² [kill Overbury.]

‘I could have put the Chief Justice in the right way the first day I came to him, but now he has put me in the right way to heaven.’ And being asked whether he should not have had an hundred pounds to be employed to the Palsgrave and the Lady Elizabeth, ⁵⁵³ answered, ‘An hundred! Nay, five hundred. I will not say however [how] much.’

He said, that the Earl of Somerset and the Countess had the most aspiring minds that ever were heard or read of. He said, that the Earl of Somerset had a great book of [OMITTED] and [OMITTED] to rise, which book Franklin had once; and said, that the Earl neither loved the Prince nor the Lady Elizabeth. ‘I could say more, but I will not. Do not you [OMITTED] the King used an outlandish physician [Mayerne] and an outlandish Apothecary [Paul de Lobell] about him and about the late Prince [Henry] deceased? Therein,’ said he ‘lies a long tale.’

Being told that the Queen had been extraordinarily sick and pained, and her young children taken away, said he, ‘Soft, I am not come to it yet. I think next the Gunpowder Treason ⁵⁵⁴ there was never such a plot as this is. I could discover Knights, great men, and others. I am almost ashamed to speak what I know.’

He could have confessed he had seen twenty letters from the Lieutenant [Elwaies] to the Lady of Essex, [Frances Howard,] whereof two he formerly confessed; and Sir Thomas Monson brought her word from the Lieutenant how Sir Thomas Overbury did, and so did one Knight and another Knight more. ‘If I cannot prove these things, I should be ten thousand times more the son of the devil than now I am; but God has sent me now more grace than so to do.’

It was said to him that it was not possible that so young a Lady as Somerset [Frances Howard] should contrive such a plot without some help. ‘No, no.’ Said he; ‘Who can think otherwise? For the Lady had no money, but the money was had from the old Lady [her mother] out one day £200 and another day £500 for she wanted no money.’ He gave a

⁵⁵² The clyster had been subscribed by Mayerne and given to Paul de Lobell to administer to Overbury; Dr. Whiting does not mention this.

⁵⁵³ King James’s daughter.

⁵⁵⁴ That Overbury’s murder was “next the gunpowder treason,” was also stated by Bacon.

glance [thought] of Sir William Monson for the bringing of an hundred pounds for the feeding of the plot.

He said that there is one living about the town that is fit to be called and questioned about the overtures and the plot against the Earl of Essex. [Frances Howard's first husband.] 'I can make one discovery that should deserve my life.' He said that he had some knowledge in all acts and villainies, and knaveries in the world; but now he had recanted them, and repented himself for them. He thanked God for it. 'I could never find, by any constellation or commutation that I should be hanged; but there the devil had deceived me.'

Nothing Franklin said to Dr. Whiting was used against Somerset, as Coke wished, as it was thrown out as evidence by Bacon with the express order of the King: "As for all the subsequent evidences, they are so little evident, as *una litura* [one wiping] may serve them all," the King noted in the margin of Bacon's letter sent to him on the matter.⁵⁵⁵

The correspondence of John Castle to James Miller during this time tells us that "Sir Robert Cotton, the antiquary, has withdrawn himself; *et in angulis latet* [and hidden in corners] jewels of the Lord of Somerset's to the value of £60,000 were lately surprised[ly] had been committed to Cotton's house."

And on November 29th, Franklin allegedly stated that he was involved in an additional "plot against Mrs. Chattock, devised by Mrs. Parselewe, Mrs. West, and Old Nan of Wapping witches."⁵⁵⁶ This was endorsed with notes concerning the commitment of Mrs. Brittaigne who had been arrested for voicing Prince Henry had been poisoned in 1612.

The following passages are from a letter written by Sir John Throckmorton at Flushing to William Trumbull the spy in Brussels. The letter is dated December 1, 1615, being at least ten days after Elwaies was executed: "I doubt not you have heard that Gervase Elwaies was hanged upon Tower hill, accusing there openly the Earl of Northampton [Henry Howard] and Sir Thomas Monson for drawing him to this villainy, which brought him to that shameful end." What Throckmorton wrote, how Elwaies confessed on the scaffold that Henry Howard and Thomas Monson were responsible for his "shameful end" has not been recorded in

⁵⁵⁵ Lambeth manuscripts, No. 933, p. 125.

⁵⁵⁶ State Paper Office; Domestic Papers, 1611-1618. No. 29.

Elwaies's dying statement on the scaffold. Where Throckmorton had received this information is uncertain. The letter concludes: "He [Elwaies] confessed that he died justly for the fact, and commended the justice of the King and State. He had impeached many; as he said, for the clearing of his conscience. Some are in the Tower, some in the city, some in the country. Believe me Sir; the Lord Commissioners are perplexed, as not yet seeing the brim or bottom of this business." ⁵⁵⁷

December 4, 1615, came Sir Thomas Monson's trial. It was at this trial that Coke dropped some insinuations in regards to Prince Henry's death. On the same day, Coke writes to the King of his procedures and necessary precautions he took: "Having prepared six of the guard in rich coats, and being kept in a private place till the time appointed, they were sent for, and coming through the multitude of people, they took him [Monson] in his fair velvet gown from the Bar, and carried him openly in the streets, on foot to the Tower of London, by warrant subscribed by my Lord Chancellor and myself; which gave the vulgar occasion to say, that surely he was to be touched in some higher degree; and to say the truth, it was not fit for a man indicted of murder to remain in a dwelling-house." ⁵⁵⁸

Coke and Sir Thomas Hayes, who was the Mayor of London, both concluded Monson was "guilty as the guiltiest," ⁵⁵⁹ and Monson's trial was "laid aside" and never charged for being implicated in Overbury's death. As to Monson's extent of his participation in that death remains unproved, and it appears by Camden that Monson was committed, like some other of his accomplices, for witchcraft. At Monson's indictment, as related in reports of the trials published in the tract by Michael Sparke, Monson pleaded his innocence. His actual guilt seems to have consisted in servility to Henry Howard, since he was his follower, having probably been introduced by his brother Sir William, who was Vice-Admiral, and fallen under suspicion and committed to the Tower on January 13, 1615, but released at a later date.

So Monson's trial was laid aside and he escaped conviction, and set at large and allowed to retain some place about the Royal Court. "This proved," Sparke noted, "at least that the King's Court circle was in part composed of convicted murderers." ⁵⁶⁰ And, it would not be

⁵⁵⁷ John Nichols, *Progresses*, Vol. III.

⁵⁵⁸ State Paper Office: Correspondence of Sir Edward Coke to King James, December 4, 1615.

⁵⁵⁹ State Trials, Vol. II., p. 949.

⁵⁶⁰ Michael Sparke (aka *Scintilla*), *Truth Brought to Light and discovered by Time or a Discourse and Historical Narration of the first XIII years of King James his Reign*, (London: Sparke, 1651).

difficult to believe what Sparke noted was true, when one considers how the King himself was absolutely terrified of Monson's secrets he could reveal.

On December 5, 1615, Sir Thomas Fanshaw wrote to Coke how he "found on the stairs leading to his Lordship's room at the Temple" a letter from an anonymous writer stating how "the Bishop of Bristol's wife is a suspicious person in Overbury's affair. She is intimate with the Countess of Somerset and her mother, and given to chemistry and making extracts and powders, of which the fairest flower in this English garden had tasted, though not so effectually as was intended; dares not give his name, lest he may be undone thereby, as others have been."

This Bishop of Bristol was John Thornborough; he was tolerant of Puritans, and had shielded the future biographer, Samuel Clarke (1599-1683) from persecution. Thornborough wrote an alchemical book, entitled: *Lithotheorikos*, which was published in 1621. He is known to have employed Simon Forman but we do not hear anything further of this subject during or after the Overbury case.

**Sir John Throckmorton to Mr. William Trumball
(December 7, 1615)**

Mrs. Brittaigne is committed to the King's Bench for some speeches she used of Prince Henry's poisoning, which she denied; but two men, upon oath, depose she spoke it. Every morning Sir George Villiers is a-horseback, and taught to ride, whose favour increases.

Franklin was finally convicted by an unknown charge, and was executed on December 9, 1615, "about half an hour after ten, at St Thomas of Wateringe." Collier tells us. "As soon as he came out of the prison, he went to the cart and leapt up into it with a great show of resolution. The hangman came to him and offered to put the rope about his neck, but he took it out of his hand and strived to put it about the hangman's neck, and laughed in doing it. Then he stood upright and stretched himself, and gave money to everyone that begged of

him, and all this in so strange fashion, which he continued till his death, that all men thought him either mad or drunk.” ⁵⁶¹

Poem on the Death of James Franklin

December 9, 1615

By Anonymous ⁵⁶²

I am arraigned at the black dreadful Bar,
Where sinners (so red as scarlet) Judges are:
All my inditements are my horrid crimes,
Whose story will affright succeeding times,
As (now) they drive the present into wonder,
Making men tremble as trees struck with thunder.

Coke wrote to the King: “Franklin confessed [to] all his examinations, and owned his guilt; said that Coke had wronged him in accusing him of the murder of his wife, which he steadfastly denied; but the woman who tended her in her last sickness, declares she died in agonies, after taking a powder by his direction. Something is still behind, ⁵⁶³ which must not be trusted to writing.”

Coke writing that “Franklin confessed [to] all his examinations, and owned his guilt,” is not true. Franklin denied being charged with murdering Overbury and only accepted the charge that he procured the drugs which were requested by Frances Howard and Anne Turner. What they did with his drugs, was no concern of his.

As to the alleged poisoning of Franklin’s wife, came from two examinations. One was from a woman called Frances Hooke, who said “Franklin married his Misses who was a healthful woman, but after fell sick [for] 17 weeks, and it was thought she died poisoned.” ⁵⁶⁴ The other was from Jane Wood (sister to Franklin’s wife) who “said that her sister told her that Franklin her husband had given her poison, and would do the like to any of them. These

⁵⁶¹ J. Payne Collier, *The Egerton Papers*, 1840.

⁵⁶² Library of the Society of Antiquaries.

⁵⁶³ This could allude to Franklin’s mention of Prince Henry’s death in 1612.

⁵⁶⁴ Cal. S.P. Dom., 1611-18.

were all sworn openly in Court and made these depositions *Viva Voce*, after which were read the examinations of Grace Lacy.”⁵⁶⁵

Coke’s original description of Franklin’s execution is worth giving.

Coke’s Original Description of James Franklin’s Execution⁵⁶⁶

Franklin’s behaviour & speeches before and at the time of his execution

He had warning about two of the clock on Friday in the afternoon that he should suffer the next morning about nine of the clock, and Dr. Whiting, both that afternoon and this morning, dealt effectually with him for the saving of his soul. The psalm of mercy was sung this morning in the common jail; he being on his knees, showed himself penitent and wept bitterly, and, coming down into the parlour, the Doctor asking him how he did, he answered, ‘Well.’ He thanked God, and the better for him and for his prayers, and said, ‘I tell you for my comfort, wheresoever’s I dine today, I doubt not but to sup with the Lord Jesus, and I hope to have the start of you all.’

And thereupon the Doctor desired him to join with him in prayer; and in that prayer which the Doctor uttered he showed himself very much moved; holding up his eyes and hands to heaven, showed himself very penitent; and when the Doctor desired of God to forgive him his bloody and sanguinary sin, he held up his hands and eyes, and struck his breast: ‘O Lord, forgive that, forgive that for thy mercy’s sake;’ and reconciled himself to one Dudson freely, between whom there had been variance, and gave him his hand, and in token of a full reconciliation, told him where to find out witches, which Dudson before had desired,⁵⁶⁷ and gave unto him a note thereof; and being pressed to make a clear discovery (in discharge of his conscience) of others that were in this foul act, said that there were three other great Lords in this foul fact not yet named.⁵⁶⁸

And said ‘I shall die within this hour, and on my soul it is true,’ [but] by no means would discover [reveal them]. But it was told him that the Lord Chief Justice [Coke] would find them out, and he said, ‘I think so too;’ and further said, ‘God bless the Chief Justice, for he is an

⁵⁶⁵ Cal. S.P. Dom., 1611-18.

⁵⁶⁶ Domestic Papers, 1615, Dec. 9, No. 355.

⁵⁶⁷ If Franklin was arrested, tortured no doubt, and executed to give evidence where to find witches, is possible; the King was passionate in hunting witches.

⁵⁶⁸ In the margin, opposite the words in brackets is written, in Coke’s handwriting, “Omit that is between the strike.” Accordingly this part is omitted in a contemporary copy preserved in the State Paper Office.

honourable and worthy Judge as ever was in that place;’ and said, ‘God bless the King, for he has many enemies; God bless the Queen, for she was bewitched three years ago.’

The hangman coming into the prison to ask him forgiveness, he gave him some money, took him by the hand and said, ‘When time shall come, do me a kindness; hang me finely and handsomely. Art thou the man that shall hang me? Thou lookest like a man to do better service, and I hope thou shalt do a greater service shortly among some great or noble ones that shall follow after.’

And from the prison, being pinioned (as the manner is), he went in a cart to the place of execution, and gave much money to the poor prisoners and officers, and to the poor on the way; and, coming to the tree, and being Christianly exhorted by the Doctor [Whiting] to open both his heart and his mouth, and that he might be truly consoling and penitent as the others had been before him, he answered, ‘I have confessed sufficiently to you and to my Lord Chief Justice [Coke]; I have declared the truth under my hand, and all that is set down in any of my examinations before him, or declaration under my hand, which my Lord Chief Justice has, are true upon my soul. And I confess that I am guilty of this foul fact, though I knew not of it at the first; but afterwards my hand was in it, and I gave consent to it, for which I am justly condemned, and here I am ready to die;’ and kissed the gallows divers times, and openly said to the Doctor [Whiting] that ‘there were three greater birds and Lords, as I told you this morning, than yet are discovered; and so, and so, and so.’ For these were his words. ‘I pray God bless the King and the Council, and my Lord Chief Justice; he is an honourable man, but I must needs say he has done me some wrong;’ whereunto the Doctor said, ‘My Lord is an upright Judge.’ ‘Yea,’ said Franklin, ‘he is right indeed;’ and being asked whether he would pray or sing a psalm, answered, ‘it is no time;’ and having tied his napkin about his eyes, he prayed to himself, and held up his hands and put the halter about his own neck, and the Doctor earnestly praying for him, the cart was driven away.

Overbury's Vision

FRANKLIN ⁵⁶⁹

A man he was of stature meanly tall.

His body's lineaments were shaped, and all

⁵⁶⁹ Harleian manuscripts, Vol. VII.

His limbs compacted well, and strongly knit.
 Nature's kind hand no error made in it.
 His beard was ruddy hue, and from his head
 A wanton lock itself did down dispread
 Upon his back to which, while he did live,
 The ambiguous name of Elf-loch he did give.

Anne Carr (b.1615)



Frances Howard, on December 9, 1615, gives birth to a daughter in the Tower. Anne Carr was never told about her parents' circumstances, and grew up in total ignorance. The Earl of Bedford fell in love with her and, although his father at first opposed the match, they were married. Her son (William) was involved in the Rye House Plot, a conspiracy to assassinate King Charles II, and was beheaded.

December 14, 1615, the Lord Chancellor, the Duke of Lenox, and the Lord Chief Justice Coke had another conference with Somerset in the Tower in parallel issuing the arrest of "Coping and Andrews (his servants) and committed them to prison,"⁵⁷⁰ but released on June 10, 1616.

Gossip correspondence of Rev. Joseph Mead, dated January 3, 1622, tells more: "It is said Copinger (a familiar of the Earl of Somerset) who sent away his lawful wife of good name, and married one of no good report, falling out with the Earl, has let fall some speeches about Prince Henry's death, and is for the same imprisoned."⁵⁷¹

⁵⁷⁰ Camden's *Annals*.

⁵⁷¹ Thomas Birch, *Court and Times of James the First*, Vol. I., (1848): Correspondence between John Chamberlain and Dudley Carleton, June 22, 1616.

December 15, 1615, the Somersets' newborn daughter is baptized at St. Martins; due to the parents being in custody, "the child was baptized by Ludgate with the Christian name Anne."⁵⁷² On December 16th, occurred two examinations in regards to Mrs. Thornborough, the wife of John Thornborough (Bishop of Bristol).

Examination of Mrs. Home (December 16, 1615)⁵⁷³

"Mrs. Thornborough obtained some lands in Yorkshire by means of the Countess of Somerset, and gave her money for them. Brought the Countess biscuits to the Cockpit. The Countess gave her [Mrs. Home] the ring with which she was married to the Earl of Essex, which she gave to her sister, married to Daliva, an Italian, who now wears the ring."

Examination of Stephen Clapham (December 16, 1615)⁵⁷⁴

"Mrs. Thornborough was very intimate with the Countesses of Suffolk and Somerset, and Lady Walsingham, but knows not what business they had together."

Digby resurfaces on December 16, 1615, through his correspondence to the King in regards to the Spanish pensions.

**Sir John Digby to King James
(December 16, 1615)**

Concerning the second part of your Majesty's letter, wherein you are pleased to command me freely and without respect of persons to set down my knowledge concerning such 186 [pensions] as shall have been distributed from Spain amongst servants and Ministers, for which purpose your Majesty, it seems, is informed that there is yearly returned from hence to the [Spanish] Ambassador [Don Diego Sarmiento de Acunas] in England the sum of £20,000.

Your Majesty may be pleased to understand that, unless it be only this last year, I shall be able, by papers which I have obtained, to set down all such pensions, and most of the sums

⁵⁷² Camden's *Annals*.

⁵⁷³ State Papers, James I, Dom.

⁵⁷⁴ Ibid.,

of money that have been given and distributed in 69 [England] ever since the conclusion of the peace.

In the first years 36,500 crowns were yearly assigned from hence for the payment of the settled pensions, according to a note which I have formerly acquainted your Majesty with, and shown unto 80 [the Earl of Somerset] by your Majesty's appointment. Afterwards divers of your Majesty's Ministers, refusing to receive that in the quality of a yearly pension which before had been bestowed upon them in the nature of presents and gratuities.

First, for their assistance in the concluding of the peace, and after, for their good offices in continuing amity and good correspondence betwixt your Majesty, the said yearly allowance for pensions was brought down to 21,000 crowns.

But the extraordinary sums, upon particular occasions, that were then given to my Lord of Salisbury [Cecil] and my Lady of Suffolk, [Frances Howard's mother,] were very great, two of them (of which I have the account) amounting unto 44,000 crowns, which was promised; and everything was so particularly bargained for by them with the Ambassador [Sarmiento], that both themselves and your Majesty's service were drawn into strange contempt, as will appear by divers letters written from 149 [Sarmiento] to 109 [the King of Spain], in so much that he writes that they are to be bought and sold withal as he would do with shopkeepers; and concludes his letter with this: That as nothing is to be had of them without money, so for money he thinks they would sell their souls to hell.

But I may not omit to let your Majesty understand that by the same letters it appears that 79 [Thomas Howard] had no hand in any of these practices, for he said of him, that he is a good and honourable gentleman, whom the other two [Cecil and his mistress, Frances Howard's mother] abused and ruled as they listed. [wished.]

Since the death of my Lord of Salisbury [Cecil,] the chief pensions that were given, were unto my Lord Privy Seal, which was 4,000 crowns a year of certainty, and to my Lady Suffolk, according as she could agree upon occasions of her service; but unto Lord Northampton, [Henry Howard,] I find not any extraordinary gift to be given more than his yearly pension; only, I conceive, a little before his death he had a good round sum paid him by 149 [Sarmiento] in gold, by what I can guess it was for the arrears of his pension.

If it shall prove certain, as your Majesty is informed, that 149 [Sarmiento] spends £20,000 a year, it must needs be that he has very lately fastened some great sums upon some of your Majesty's Ministers. For since the death of Lord Northampton, [Henry Howard,]

the allowance for ordinary pensions has been but only 30,000 crowns yearly, in which I know (I cannot be deceived) for that I have the copy of 109 [the King of Spain's] warrant under his own hand for the payment of it, and shall likewise declare unto 70 [your Majesty] how it is bestowed. But that 80 [Somerset] should have received anything from 149 [Sarmiento], I have never in any kind been able to discover, neither do I think it.

But I have great reason to conjecture that 149 [the Spanish Ambassador Sarmiento] has been busy to draw my Lady Somerset [Frances Howard] unto his part, and to oblige her. But the particulars hereof your Majesty will get the best notice of from Sir William Monson, who has been 149 [Sarmiento's] instrument to negotiate therein, himself being and having been a pensioner to 109 [the King of Spain] ever since the year 1604. The match being made with him by the Constable of Castile at his return, who then allotted him 4,000 crowns a year pension; and, to that effect, gave him letters to the Conde de Villa Mediana, dated at Gravelines September 12, 1604. Which pension was afterwards by the said Conde de Villa Mediana, upon special occasions for the 109 [King of Spain's] service, augmented to 1,500 crowns, and so has ever since and does yet continue.

I find likewise in the list for the distribution of 149 [Sarmiento's] ordinary allowance 1,500 crowns ordained to be bestowed, upon occasions, in presents and New Year's gifts, upon the Lady Jane Drummond. But I am bound in all conscience to tell your Majesty that, in all the advertisements that have come to my hands, I cannot perceive that she ever received anything but only a slight jewel or two and a basin and ewer of some rich stone, given by 149 [Sarmiento] as I conceive at her marriage. Neither in all the letters and dispatches of 149 [Sarmiento] which I have, can I find any one thing to her prejudice.

As for the third part of your Majesty's letter, whereby it appears that your Majesty has received information by 77 [Winwood or Coke's] means that 80 [Somerset] should have revealed unto the Spanish Ambassador your Majesty's secrets and designs, I shall freely and undisguised set down to your Majesty such grounds and inducements as I have had to make me inclinable to that opinion.

First, I was of late told by the chief confidant [Santander] I have left in this Court, that he would hold no more correspondence with me; neither was it possible for any man to serve 70 [your Majesty]. For whatever I did here was by those nearest about 70 [your Majesty] revealed unto 149 [Sarmiento]. And therefore that he would now retire himself, for that he

had learned lately that the first light against Santander ⁵⁷⁵ came from 149 [Sarmiento], and that all the other proceedings with him were but out of the cunning of this State and Council to disguise and trick the true and first means of his discovery.

But hereof I must confess unto your Majesty I never had any other ground nor cause of jealousy, but only the speech of this party. And that by the examinations of the said Santander, the copy of which I have obtained, I find that he was chiefly still examined upon the rack concerning me.

Although in this particular I would not for the world lay the least imputation upon 80 [Somerset] that he should maliciously have betrayed so great a service, yet I cannot but lay great blame upon him for want of secrecy and care in a business of so great consequence. For first, I got certain knowledge that some parties had full notice of all such things as I had by your Majesty's appointment delivered to 80 [Somerset] against them, and thereof (as far as I then durst [dared]) I presumed to give your Majesty some inkling; and could (if I were present) quickly, by the circumstances, cause the truth to be discovered unto your Majesty. Further, speaking one day by chance, by way of discourse with a particular friend of mine, and desiring to understand of him how he heard my services in Spain were accepted, he told me, 'extraordinarily well,' and that he wondered in his heart how it was possible for me to do those things which I did, being to get the copy of the King of Spain's letter, and his 149 [Sarmiento's] dispatches. 'Nay, and as I heard,' said he, 'his very private instructions.' Wherewithal, I, being struck unto a very strange amaze[ment], seemed to make a jest thereat; saying that someone had raised that rumour for some particular end. Whereupon he told me that, to deal plainly with me, he himself had seen and read divers of them. And, upon further conference, he at last confessed unto me that they had been shown unto him by one Rawlins, ⁵⁷⁶ a follower of 80 [Somerset].

This party, though I should be grieved, for just reasons, to have him produced, yet, if it may be of any use or moment to your Majesty's service (to which all other respects must be submitted) the bearer hereof, my Secretary, will nominate the party unto your Majesty; and he may [be] produced face to face with the said Rawlins.

⁵⁷⁵ This person called Santander had assisted Digby to obtain his information on Spanish pensions in 1613. He had been detected in another intrigue with the Duke of Savoy.

⁵⁷⁶ Giles Rawlins (Servant to Somerset) had been "taxed with indifference," in 1613, "being cousin-german of Overbury, for not inquiring into his death."

This being true, your Majesty will think I had, then, just cause to show an unwillingness to return again to Spain, when I saw this business that so nearly concerned your Majesty's service so carelessly handled. Neither is it impossible that this unfortunate event of this business has been caused, though not through disloyalty, yet through want of care and secrecy. But thereof I can no further accuse my Lord Somerset, than what out of these circumstances may be collected.

But the chief motives that have made me think that Somerset used ill both your Majesty's name and favour were since my last coming out of England especially in the speech that has been for the treaty of a match for the Prince [Charles] with Spain, wherein, although I absolutely disclaimed in any kind so much as to speak thereof in quality of an Ambassador, and disavowed so much as your Majesty's privity that any such discourse was held, and to that effect (understanding from divers your Majesty's Ministers in the Courts of other princes, that some rumour was raised that a treaty for such a match should be on foot), I wrote, unto all parts, giving satisfaction and full assurance that your Majesty had never entered into any such treaty, neither had any proposition to that effect ever been made, either by your Majesty, or your order; neither had there anything further passed therein than by way of ordinary discourse.

And unto the Duke of Lerma, with whom I only dealt in the said business, I ever likewise disavowed your Majesty having any knowledge of what passed, absolutely refusing to make any overture therein unto your Majesty, till I should see betwixt ourselves all difficulties (which in likelihood might arise) fully agreed upon.

And, hereupon, when the Duke of Lerma had delivered me his particular demands in point of religion, I told him I durst [dare] not adventure to send them unto your Majesty, unless they might be much altered and qualified. Which the Duke (after some conferences) seemed not unwilling unto. And to that effect several consultations were had amongst those that were formerly by this King deputed to this business.

In the meantime (according to my bounden duty) I held it fit secretly to give your Majesty notice of all that passed, and to send you a copy of those demands which the Duke of Lerma had given me. All which was discovered unto 149 [Sarmiento]; and the same articles which I had sent, showed unto him, in the manner that I shall set down.

First, one Sir Robert Cotton came unto 149 [Sarmiento] as sent unto him from 80 [Somerset], as a man whom he did afterwards desire to have employed betwixt them,

especially in the business now on foot concerning the match. This Sir Robert Cotton assured 149 [Sarmiento] both of your Majesty's inclination and of 80 [Somerset's] will and power for the effecting of it. Only, he said it was resolved to have the dealing therein taken wholly out of 141 [my] hands; and, therefore, if he already had not, he should do well speedily to procure sufficient commission from 109 [the King of Spain] to treat and conclude of it there; and that the business should wholly be managed betwixt 80 [Somerset] and 149 [Sarmiento].

To which, when the Spanish Ambassador [Sarmiento] answered that he conceived the business could not but receive some prejudice, if it should now be taken out of 141 [my] hands, who had formerly been the only dealer therein, he signified unto him, that that was by 80 [Somerset] fully resolved on. Which shortly after, and all the rest that Sir Robert Cotton had said, was by 80 [Somerset] himself confirmed unto 149 [Sarmiento]. And at that meeting (as 149 [Sarmiento] advertised) he first perceived that 80 [Somerset] mortally hated 141 [me], whom he before thought to have been his great friend. For, said he, alleging that if 141 [Digby] should perceive the business to be thus taken out of his hands, he would questionless, [without question,] out of spleen, endeavour all he could for the overthrowing of it; and by his advertisements and relations unto 70 [your Majesty] would do all the ill offices he could. To which 80 [Somerset] answered that 141 [me], either out of his discontent and hate, would do some such thing as would be his utter ruin; or, at least, would write in such manner of spleen and passion as he might quickly be discredited with 70 [your Majesty], and no belief given, nor any reckoning made of anything he should advertise. And hereupon, by Somerset's persuasion, the Spanish Ambassador dispatched away a post for such a commission as was desired. The which, I understand, was accordingly sent unto him. Afterwards, Cotton several times repaired unto the Spanish Ambassador [Sarmiento], as sent by Somerset, intimating the knowledge of 70 [your Majesty] of all that 141 [I] had done here in Spain. And, for an undoubted testimony whereof, showed him the demands in religion made unto me by 113 [Lerma], which I lately sent unto 70 [your Majesty], signifying likewise unto him that the matter might be so handled that 70 [your Majesty] might be drawn to condescend unto them; with many other particulars, which will be best known by the examination of the said Cotton, if 70 [your Majesty] shall hold it fit to have him apprehended, though I think your Majesty will judge it fit to have it done upon some other colourable pretext.

As for my future proceeding upon any discourse that may be offered concerning the match for 72 [Prince Charles] with a daughter of the King of Spain, I shall not therein, nor in anything else, by God's assistance, swerve any whit from your Majesty's pleasure, so fearing I have with this long letter presumed too much upon your Majesty's patience, humbly craving your Majesty's pardon, I recommend you to the protection of the Almighty.

Your Majesty's faithful servant and subject.

John Digby.

Madrid, the 16th of December, 1615. St. Vet.

On December 18, 1615, possibly due to the above letter of Digby's, Lords Knollys and Hay were sent once again to Somerset by the King.⁵⁷⁷ What passed in this interview is unknown.

On December 29, 1615, the King sent for the Lieutenant of the Tower, George More, and "drawing him into a chamber, conversed to More the following particulars," which were written down by More's kinsman, James More Molyneux.

The King to George More

(December 29, 1615)⁵⁷⁸

I would have you to tell your prisoner [Somerset] that I am sorry to see that he continues still to take the wrong course to his own hurt in this business, as he has done since the beginning of it. For whereas I have appointed Commissioners to examine him, and to deal in all matters concerning the case of Sir Thomas Overbury; [the Commissioners being] the Duke of Lenox, a noble man of mine own blood and always a friend well affected to him; the Lord Chancellor, the second, a grave and a wise man, a Counselor and a great officer well deserving in the place of justice which he holds; the Lord Zouch the third, an ancient Baron, and a man void of all partiality; and the fourth the Lord Chief Justice [Coke] by his place.

He [Somerset] has refused by them to make known his desires unto me, and, pretending that by the Lord Knollis, and the Lord Hay, he would communicate matter of great importance unto me concerning my services, fit for me to know what speed, and that neither of the criminal nor civil part of the cause for which he is restrained, nor of anything

⁵⁷⁷ Camden's *Annals*.

⁵⁷⁸ Loseley Manuscripts.

thereunto belonging he would speak unto them; his speech nevertheless to them was only of that cause, and not of any other matter worth the speaking of, wherein he did needlessly abuse me, offer wrong to those Commissioners, and thereby did hurt to himself.

And whereas he says that I have dealt rigorously with him in committing him to the Tower, there to be a close prisoner, not being convicted or accused of treason, where the custom has been to commit persons of his quality to some such place as York House or some gentleman's keeping, and not to such a prison as the Tower. To this, I say that for matter of contempt, and suspicion of light offences, it has been the custom to commit men of his quality to such a place as York House, as was done in the case of the late Earl of Essex. But that is not his case; the offence for which he is in question is a murder of the foulest kind, near approaching unto treason (he that was murdered being my prisoner), and the proofs against him alleged by the Commissioners very pregnant, in so much that at my being at Royston I was informed there was a great murmur amongst the people that justice was stayed, in that he was not sent to the Tower; and also the Privy Council had an inclination (as I understood by diverse of them) to commit him to the Tower, if I would give them leave, because they thought the Commissioners durst [dared] not; which I would not permit; so that neither by me nor my direction he was committed to that place, but by the Commissioners to whom I had committed the examination of the case of Overbury, leaving it to them to bail or to commit, as they should find cause according to the course of justice, who, after due examination of him and of the cause, found the suspicion against him so vehement, and the proofs so pregnant, as that holding the course of justice, the cause itself did enforce them (as they say) to commit him to the Tower, he having given great cause of suspicion against himself, when, by his letters or warrant to make search ~~in the house~~ [sic] for the writings of one Mrs. Hyde ⁵⁷⁹ he had taken the letters of Turner and others.

So as his commitment to the Tower was the act of the Commissioners, and not mine; which by them being done according to justice, and for matter of proof not to be made known before hand to me, I might not resist, especially considering how the common people had expressed their joy for the justice done against Weston, saying that the King should have subsidies and whatsoever he would require; that the bells had been rung throughout all the city; and that the Lord Mayor [Sir Thomas Hayes] and the Aldermen by the Recorder had

⁵⁷⁹ The landlady of William Weston's apartments.

signified to me the great comfort they received in the justice done, acknowledging their great happiness in living under the government of such a King, and would themselves have come unto me to give me public thanks, if I had not forbidden it.

[The “common people,” as the King terms the public, had no reason to feel “great comfort” that Weston had been executed. The public did not even know who Overbury was; they did not know what Weston was charged with; they did not know why Weston was executed. Everything the Aldermen had mentioned to the Recorder, which was forwarded to the King, was propaganda at its mildest level.]

If therefore I should have stripped the course of justice against him [Somerset] in this case of Overbury, who was committed to the Tower, and there kept a close prisoner by my commandment, and could not have been so murdered if he had not been kept close, I might have been thought to be the author of that murder, and so be made odious to all posterity. Neither has he cause to think himself rigorously dealt with in being sent to the Tower, to which place many great persons have been committed for felony, and, afterwards appearing to be cleared, have been set at liberty without disgrace.

Now concerning my letters, of which he said to the Lord Knollis, and the Lord Hay, that he had given some to Sir Robert Cotton to be delivered to me, and some he had kept to deliver unto me himself. Cotton has confessed that he delivered them unto him to be kept, and to be redelivered to himself, if he should live; or otherwise, if he should miscarry, then to be given to me, which letters being by Cotton delivered to a woman, [Mrs. Farneforth] ⁵⁸⁰ the same have been taken and brought to me; whereas if his meaning had been to have sent me those letters, he might have sent them unto me when first he was restrained to his chamber [in Whitehall] or when he was in the custody of Sir Oliver St. John, or after that he had been examined by the Lords and was in the Tower, in causing them to be sealed up and sent to the Lords to be delivered unto me.

As for the other letters which for poisons and antidotes he wrote to Inglesse, I never heard of them, until three or four days after he was in the Tower, and finding it to be but an idle tale, and to have no good ground, I made no accompt [account] thereof.

⁵⁸⁰ Mrs. Farneforth lived in Holborn and was “a friend” of Sir Robert Cotton.

And concerning the casting of my nativity which he says he first discovered unto me, you may say unto him, that I remember he told me something of the casting of my nativity [mentioned] by Inglesse, ⁵⁸¹ but that mine was cast by Inglesse I never heard of it since by anybody, neither do I believe that he did cast my nativity, but only my eldest son [Henry, Prince of Wales] ⁵⁸² that is with God, and of that I neither did, nor do make accompt [account] neither needs he think that for that he shall be called to accompt.

The next part of his message is a desire first for his wife [Frances Howard,] that she might not be brought to an open trial, but that she might be kept in some private corner all the days of her life, since she is the mother of a child; to which I say that his desire is unseasonable until it shall appear whether she be cleared or guilty; if she be cleared he needs not fear to have her tried, and if upon doubtful proof she shall be found guilty, and her offence not appear to be manifest, I should be unwilling to suffer the law to be executed against her, for it might be in that case as in the case of one whose dagger was found sticking in the body of a man that was murdered, and yet the murder was not done by him, but by another who had borrowed and taken the dagger.

But if it shall plainly appear that she is very foul, as is generally conceived and reported that she is, as being the author and procurer of that murder [Overbury's] then I think justice may not be stayed, and he should have just cause to be glad that he is freed from so wicked a woman. Therefore, if she be innocent he needs not fear, and if she be so foully guilty as is alleged, humble confession of her fault, both to God and the King, must precede the pleading for pardon.

[Frances Howard did confess her guilt; pleaded for pardon; and, was pardoned by the King. If anything, this looks like a rehearsal (or advice) of what she should do prior her trial in order she require her pardon.]

As for himself there is no cause why he should desire not to come to trial if the proofs be so pregnant that they require it, for being innocent upon trial he will be cleared, and so being justified shall receive no disgrace, as with many great persons it has fallen out who have

⁵⁸¹ This is referring, perhaps, to how Mary, Queen of Scots gave birth to King James after seeing her favourite Secretary, David Riscio, murdered.

⁵⁸² Prince Henry's birth has never been considered to have been surrounded by traumatic events.

been committed to the Tower and being tried have been cleared for the like offense. But if he be guilty (as God forbid) then must he take a course by his humble confession to plead for mercy, I being to follow the example of Almighty God, who does not forgive sins until they be confessed and sorrowed for, no more can I show mercy where innocence is stood upon, and the offense not made known by confession unto me; and if he should be convicted by law, he needs not take such a desperate resolution as rather to give cause to die than live after it, for that many have been convicted of felony without accompting [accounting] it so great a disgrace unto them; but indeed if he should be convicted of treason and ingratitude against my person, then I could not blame him to accompt his conviction in that nature worse than a thousand deaths unto him.

And whereas he desires me to acquaint him beforehand with the things that are to be laid to his charge, besides that it is so far against the conscience and honour of a King to do it, it is altogether impossible for me so to do, although I had never so good a will to do it, for the Chief Justice [Coke] refuses absolutely to serve in his place, as I told himself at Royston, if I shall be acquainted with any articles concerning blood, before the party come to his public trial, and I hope he would not have me thought to be a conspirer with him or any man for the eluding of justice.⁵⁸³

Lastly, you shall say unto him that if hereafter he shall desire to move any matter for favour, I will that he make the same known by the Lord Commissioners unto me, who are as well to be used as means of favour for him as they have already used some points of rigour, as he conceives it, towards him; and that he seek no other means whereby to inform me, wherein he shall do wrong to those Lords, and give them occasion to think the worse both of him and of his cause; assuring him that by their means his suites shall be more acceptable to me then by any other.

Endorsed by Sir George More

After More's interview with the King, as given above, the Lieutenant of the Tower set in writing that Somerset was to be informed of the following: "Nothing had been done against him which justice did not absolutely require; that no exception could be fairly taken to any of the Commissioners; that whatever communications he wished to make he could make at

⁵⁸³ See an earlier account on this subject.

any time through them; that his committal to the Tower was according to custom in similar cases, and was a measure which, in the middle of their report as to the evidence, the King could not have interfered to prevent without exposing himself to suspicion of complicity; that if he and his wife were innocent, they need not either of them fear trial, which would clear them; that even if they should be found guilty, and yet the offence not appear manifest, he would not let the sentence be executed; that if they were guilty, they must confess their crime before they could ask for mercy, but upon that condition need not think their case desperate; that to acquaint him beforehand with the things that were to be laid to his charge was not in the King's power even if it were otherwise allowable, for it was more than he himself had been permitted to know; and finally, that if Somerset had any favour to ask hereafter, he must make it known through the Commissioners, and not seek any other means." ⁵⁸⁴

Regardless, Lords Knolles and Hay acquainted Somerset with charges against him before his trial. After More wrote the above, the King had only heard that Somerset was so far touched that it would be necessary to examine him. He had since been informed, first by the Commissioners in the beginning of November, that there appeared upon examination to be "vehement suspicion" and "pregnant matter" against him as an accessory before the fact in Overbury's death.

So with the exception of Thomas Monson, all the little fishes had been bated, gutted and then cast back into the murky waters of the River Thames in one sweep beginning with Richard Weston in October 1615, and ending with Thomas Monson in February 1616. And even though Sir James Macintosh, in his *History of England*, appears to treat the common story from the government of the poisoning of Overbury as improbable, and is at a loss to account for the confessions of the accused persons and those who were executed, Macintosh should not have been so perplexed.

Coke, armed with all the terrors the law then possessed, had Anne Turner convicted and executed for practicing witchcraft and not for poisoning Overbury.

We found evidence that Weston's charges (nowhere clear in the State Trials) were all based on hearsay and assumptions, and the same can be said on the charges against Franklin and Elwaies, who in the latter's case, was not even allowed council.

⁵⁸⁴ James Gardiner, *Studies in English History*, Vol. XVIII (1881).

Furthermore, we do not know what went on during these prisoners' so-called "confessions" or if they were placed on the rack; it is certain that they must have been fully aware that the rack was in the same or an adjoining chamber, and that their flesh and bones would be torn by it and a word being given by their inquisitors, as Waad used to express it, "they deserved to be tortured." They might very well have heard the screams of fellow prisoners who were stretched and agonized or crushed to death until someone would have said, "all had been gotten from them."

We recall Coke, at Frances Howard's arraignment, complimenting the King on having devised a string of interrogatories, to be administered to the witnesses, and says that "none of them came empty away." Are we not warranted then in saying that delusive promises was made to them as was made to Weston, because this was a trick used by King James many time before?

And if one could not secure for themselves this pardon, as Somerset, Frances Howard, and Sir Thomas Monson had, then their fate was the scaffold.

FINALITIES

The year of 1616 sees many crucial events of which the first was on January 13th, when “towards night, William Monson, brother of Sir Thomas, is carried to the Tower,” and on the same day, Simon Digby comes from Spain with letters in regards to the Spanish pensions.

A few days later (January 18th) we hear of “Sir George More [Lieutenant of the Tower] is upon selling his place [office] to one Sir Allen Apsley for £2,400. With adding £2,600 more, he hoped to compound with the Lord Wotton for the Treasurership or Comptrollership of the Household, wherein he had Sir Percival Hart his competitor; and though neither of them be thought to be greatly beforehand, yet we see how ambition makes men many times strain themselves beyond their reach.”⁵⁸⁵

On January 19th, “Somerset and his wife are indicted of felony, and the *Billa Vera* is found by the Jury.”⁵⁸⁶ When the proceedings of the Courts were recorded in Latin where the Jury found a bill of indictment to be supported by the evidence, they indorsed on it *billa vera*; now they indorse in English “a true bill.”⁵⁸⁷

The arraignment of Somerset and his wife, for the alleged murder of Overbury, which seemed to be on the point of coming on in January, had been postponed till the arrival of Simon Digby from Spain. The postponement seems to have been at the instance of Coke, who, coming across a confidential dispatch of John Digby’s, which had got into Somerset’s hands, and hastily inferring that it had been intercepted by him and the contents hidden from the King, had a scent of High Treason. The King however already knew of this; Digby had sent a letter in December 1615 (given earlier) explaining how Somerset’s servant (Rawlins) had informed the King of Spain all about Digby’s dealings and investigation into the Spanish pensions. This was a second subject the King kept secret from Coke; the first was Somerset’s knowledge of the charges against him.

On January 25, 1616, a warrant from the Commissioners on Overbury’s cause to the Marshal of the King’s Bench was issued. The warrant ordered Mrs. Thornborough (the Bishop’s wife) to present herself to the Commissioners at York House: “Notes by Coke of interrogatories to be used to Mrs. Thornborough, as to her preparations of certain waters

⁵⁸⁵ Correspondence of Chamberlain to Carleton (January 18, 1616).

⁵⁸⁶ John Nichols, *Progresses*, Vol. III.

⁵⁸⁷ John Bouvier, *Law Dictionary*, 1856.

and powders, her procuring and delivery of poisons, the means by which she obtained a grant of lands near Knaresborough (Yorkshire) and what she had heard of an attempt against the Prince [Henry], the Palsgrave, or Lady Elizabeth.” ⁵⁸⁸

On February 2, 1616, the examination of John Lepton (Groom of the Privy Chamber) in regards to the Monson trial is heard; a trial which by the King’s order had been deferred indefinitely. It seems however that Coke was more zealous than stubborn to have Monson actually executed. This would be for the second time Monson appeared before the Judges; but on this second occasion, “Coke received a note from the King which obliged him to send back the prisoner to the Tower.” ⁵⁸⁹ This had a consequence for Coke to write the following three letters, on the same day of February 8th, to the King.

Sir Edward Coke to King James

(February 8, 1616) ⁵⁹⁰ (*1st letter*)

Most Gracious Sovereign,

Sir Thomas Monson was arraigned and pleaded not guilty and put himself upon God and the country, contrary to the expectation who thought he would have stood mute; and seeing we meant not to proceed, we took that course that your justice might in no sort be blemished nor give any encouragement to him being indurate to which already it was signified that by the goodness of God very lately some such further discovery had been made (which was as yet a secret) we thought not fit to precede with him at this time, protesting that nothing tended to his advantage or to the extenuating of his offence.

But having prepared six of the guard[s] in rich coats, and being kept in a private place till the time appointed, they were sent for, and coming through the multitude of people they too kept him in his fair velvet gown from the Bar and carried him openly in the streets on foot to the Tower of London, by warrant subscribed by my Lord Chancellor [Ellesmere] and myself, which gave the vulgar [public] occasion to say that surely he was to be touched in some higher degree and to say the truth it was not fit for a man indicted of murder to remain in a dwelling house. ⁵⁹¹ What was said for your Majesty’s zeal to justice, and what moderate and

⁵⁸⁸ State Papers, James I., Dom.

⁵⁸⁹ Thoyras De Rapin, *History of England*, (London: Knapton, 1732).

⁵⁹⁰ State Paper Office, Domestic Papers, 1616, Dec. 4, No. 345.

⁵⁹¹ Sir Sidney Lee in his *Dictionary of Biography* on Thomas Monson discredits what Coke writes, that Monson left on foot from the Bar to the Tower; Lee says Monson, “by an eye-witness saw him in Sir George More’s

timely courses had been taken in these legal proceedings and what great blessings of God had been in discoveries of truth and how much all the people applauded them let others repeat.

Sir Thomas Monson said openly and fearfully that if he were guilty in any degree or had been used as any intelligencer in the matter [of Overbury's death] he refused God's mercy, which all the people detested as an atheistically speech.⁵⁹² But I told him that he was Popish and therefore had learned to equivocate or to keep, for there were more proofs against him than he knew of; whereunto he said, though there were twenty witnesses against him, yet would he protest his innocence at his death but lest he might lose friends, never deem his Popery though he were divers times changed.

Withal, he was told that protestations were no proofs, for as great protestations as he made, Sir Gervase Elwaies had made in the same place, and yet was justly condemned thereby, confessed his fault, and died penitently. I find that none of these that were in the action had any fear of God before their eyes, but were fit instruments for any villainy or mischief so ever and specially this man who no doubt knew as much as any man living. I am credibly informed that at his coming [to the Bar] many by the way cursed him bitterly, and desired of God that all the rest in that bloody fact might be known as he was, and others said, God send the death and he would say softly Amen. But he was much dismayed at these the peoples' clamour, for none pitied him.

Sir Edward Coke to King James

(February 8, 1616)⁵⁹³ *(2nd letter)*

Most Gracious Sovereign,

That your Majesty may not impute any negligence unto me in those things that belong to my place, and especially when it concerns your Majesty, I have sent herewith Mr. Lepton's examination which was taken by me long before Mr. Secretary's [Bacon's] letters which I received this day at 12 of the clock. This letter written to Sir William Monson surmising your Majesty's censure touching the weakness of the evidence against Sir Thomas Monson

coach." Lee does not reference where he got this information. Since Coke states in his own handwriting how Monson was taken from the Bar to the Tower, we must go with Coke's account as opposed with Lee's anonymous reference.

⁵⁹² Monson had been a client to Simon Forman.

⁵⁹³ State Paper Office, Domestic Papers, 1616, Feb. 8, No. 31.

(which Sir William Monson has so divulged as it is grown to a common rumour) had wrought an extreme obstinacy in Sir Thomas Monson, and some check to my just and sincere service, but that I esteem not, for I have done nothing in this great cause *reluctante conscientia*; [resisting conscience;] that which moves me most is that hereby your Majesty is slandered, which gives not an action *de scandalis magnatis*, [scandals of the great ones,] but *de scandalis optimi et maximi*. [scandals of the best and most.] And therefore I have committed Mr. Lepton to the prison of the King's Bench, and is worthy in due time of severe punishment.

[Lepton stated that he wrote to Sir William Monson, telling him how “the King, on reading the evidences against Sir Thomas Monson, thought there was not one unanswerable; that therefore Thomas Monson's trial was deferred for want of evidence, and that he had good friends at Court, meaning thereby Sir Humfrey May (King's servant), Lord Harington (Prince Henry's tutor) and others.”⁵⁹⁴]

What Sir William Monson is, your Majesty know (and good many rejoice that he is where he is) and seeing Mr. Lepton's mouth is so full of scandal in the highest degree, and that his wife is a peevish perverse Popish recusant, and an harbourer of Jesuits and Priests, he is not in mine opinion fit to continue in a place so near about your Majesty's sacred person. And likewise before the receipt of Mr. Secretary's letter, I had been at the Tower with the Earl of Somerset concerning the letters in ciphers directed to him; [from Overbury;] he being strictly examined utterly denied that ever the said letter came to his hands or that he ever knew or heard thereof before this time, neither does know or can imagine who should [have] wrote it, nor can in any sort understand it.

Upon conference with him he seemed to me that he has heard some London news by Price (his servant) that is newly come to him (in place of the others that are committed) that he should be brought to his trial in a short time. Unto whom I thought good to say this much, that he well knew your Majesty was the most renowned King for your justice in the Christian world and that seeing he was indicted by a most substantial and intelligent jury of Knights and Esquires of such a crying sin as this is, and that he persisted in denial of the fact, it

⁵⁹⁴ State Papers, James I., Dom.

stood not with the honour of your Majesty's justice but to proceed against him upon the said indictment; least (as Weston said) the net should be spread for the small fishes and not for the great.

[After Coke saw the King hastening Monson's trial, he feared the same would be done with Somerset's trial; hence the hint "to proceed against him upon the said indictment; least (as Weston said) the net should be spread for the small fishes and not for the great."]

I told him [Somerset] that four [Weston, Turner, Elwaies and Franklin] had already been attainted and executed for the murder of Overbury, who were all penitent and confident, and none of them had any malice [motive] against Sir Thomas [Overbury], but were instruments of the bloody malice of others, and therefore God forbid that the authors of so heinous a crime should pass away with impunity; whereunto he said to me but little, but seemed to be insensible of his own imminent danger.

[Somerset had a guarantee that he would not be in the least danger of being executed for the assumptions Coke had collected against him in regards to Overbury's death. As mentioned earlier, the little fish were easily dealt with; the sharks in the case were another matter, and the King interfered more than was necessary.]

In the end he desired me to acquaint your Majesty with certain petitions which I received, and have sent them herewith to your Majesty, although I know them not worthy of the time your Majesty shall bestow in reading of them. This was observed in him, that when any word casually fell from him in the least degree tending to any submission to your Majesty, when he heard it read, he would cause it to be put out [removed] which to me seemed so strange, as I thought it my duty to acquaint your Majesty therewith.

[As we shall learn further in this research, Somerset had ransacked his brains on how to approach the King's conscience which would lead to Somerset and his wife's freedom, with no execution on the horizon. Coke must have detected such a mannerism when he wrote the above paragraph and found it "strange" behaviour on behalf of Somerset.]

I have found out in London thirteen impostors (or Wizards) pretending to tell fortunes, to procure love, to alter affections, to bring again stolen goods and such like deceits. I committed them all to the common jail, signifying your Majesty's gracious and Christian care and charge to have them punished. In the end I have with good sureties bound them to their good behaviour and from their impostures, whereat good men rejoice and praise God for your Majesty's justice. The Bill whereof your Majesty had speech with me at my last attendance on you is exhibited and proxy served, and nothing shall be there in pre-termitted that may therein justly advance your Majesty's important service.

After I had written thus far and was in concluding, Mr. Lieutenant [George More] brought me from him [Somerset] a more large[r] discourse, and now he seemed to me that he has better considered of my words, that I used to him to the end to humble himself; for now this latter [discourse] does not only contain the former, but more also, whereby now it appears that he cannot assure himself (as he was wont to do) to be cleared in a legal course of proceedings, but now clearly confessed that the presumptions against him might be such, having consented and endeavoured with others the imprisonment of Overbury, as that the same being enforced by wit and art against him, the extent of law might lay hold of him, and find him guilty, being never so clear.

Again, he [Somerset] might say that having borne before the eyes of the world so many eminent marks of his Majesty's great favour, he might claim some privileged from a common course of proceedings against an offence done (if it were done by him) not against his Majesty's person or state, but of another nature; and if he should have fallen into any error concerning the same, yet he might be thought to have been transported thereunto either by force of his affection to his so much desired wife, [Frances Howard,] or through the jealousy of the practices of Overbury, and not by the malice of a wicked heart; of these and some other passed ages in this discourse good use (thanks to be God) may be made of them, for he could not come nearer to an express confession, then he now has done. I persuade myself your Majesty will yield to none of his [Somerset's] petitions all things considered.

God send them that be at sea safe arrival, and then *fiat plena et celeris justitia*, [be full and speedy justice,] for all good. Men earnestly expect it. When your Majesty has perused this packet, I most humbly beseech you to return them to me again, who shall continually pour out his prayers to the Almighty (*qui dat salutem regibus*) [who gives salvation to Kings] to

preserve your Majesty with long life in all honour, health and happiness to the rejoicing of all good hearts.

From Serjeant's Inn this 8 of Feb. 1615 at seven of the clock at night.

Your Majesty's most humble and faithful subject and servant.

Edw. Coke.

Sir Edward Coke to King James

(February 8, 1616) ⁵⁹⁵ (*3rd letter*)

Most Gracious Sovereign,

We, according to your Majesty's directions have repaired [taken] to the Tower to [see] My Lord of Somerset, and first we took occasion to answer unto certain requests formerly made by him and delivered to us by Mr. Lieutenant [George More] concerning the having of others of his servants to attend on him, and that Sir Robert Carr his kinsman might speak with him touching his private affairs in the presence of the Lieutenant, whereunto he so earnestly had by Mr. Lieutenant pressed us to answer.

He in renewing of the same unto us of himself, did add another which formerly he had made to your Majesty, and that was that he might know before he came to his trial what evidence or proof could be given against him. And that if he could sufficiently answer and avoid them he hoped he should not be brought to a public trial, whereunto answer was made that neither did his request stand with the course of justice, neither had the like been granted to our knowledge to any in the like case before; and, that if he should persist in denial of the fact it stood not with your Majesty's honour and the course of justice but to put him to his trial, for that by a worthy and substantial Jury of Knights and Esquires, he and the Countess (his wife) stood indicted of being accessory to the foul murder of Sir Thomas Overbury. And that she had voluntarily confessed the offence, that your Majesty had committed justice to us but had reserved your mercy to yourself, whereof we could not say anything, but verily persuaded ourselves, that without humble confession and true contrition, which was the only course he could take, would that gate be shut against him.

⁵⁹⁵ State-Paper Office, Domestic Papers, 1616, Feb. 8, No. 33.

[It is crystal clear Coke knew nothing of Somerset already having knowledge of the charges against him, which were conveyed to Somerset on November 18, 1615, by order of the King when he sent Lords Knolles and Hay to privately speak with him. Neither was the Lieutenant (George More) informed of Somerset's knowledge of his charges, for the King posed ignorance to the matter as seen in his conversation with More on December 29, 1615. A little game was being played between Somerset and the King on this matter, and none knew any better.]

Then was it told him, according to your Majesty's directions how the Offices at Court were disposed of, which when he had heard, we leaving [at that moment], he never (we well observing him) changed countenance or seemed to grieve at all, only he said in (without passion or sign of sorrow) that he was sorry, that his wife was guilty of so foul a fact. After this, we remembering [reminding] him of his former requests for his servants and his Cousin Carr, and being ready to grant them, he seemed to make no account thereof, saying he would consider of them, for we think, we had prevented his end which was to hear news. In the end, we did take an examination of him upon certain material interrogatories which were formerly thought on and provided, whereunto he made direct answers, which we take in some points very material, of all which we thought it our duty to give your Majesty an account and shall according to our most bounden duties always pray to the Almighty for your Majesty in all happiness and health to the unspeakable comfort of all good hearts to continue.

For the same letter above, Coke had written down some notes of events to be forwarded to the King; however, they were never written to the King: "Notes by Coke inculpating the Earl of Somerset as guilty of High Treason, for discovering to Don Diego Sarmiento de Acunas, then Spanish Ambassador in England, the contents of certain private letters from Sir John Digby to the King; and also for revealing the contents of other Ambassadors' letters, to the great danger of the King and kingdom, and receiving a pension from the King of Spain. *Indorsed: Notes for an Indictment.*"

Somerset was never indicted to stand a new trial of High Treason. Further into Coke's notes are his "Queries for the Earl of Somerset, on his correspondence with the Earl of

Northampton [Henry Howard] about the Countess of Essex [Frances Howard] and with Sir Thos. Monson, as to where the letters were deposited, why some were destroyed, some fetched away; also as to his interviews with Paul de Lobell and Franklin.”

On February 9, 1616, Winwood writes to Coke that “the Lieutenant of the Tower [George More] is to procure from the Earl of Somerset the articles from France, relating to the marriage between the Prince [Henry] and the second daughter of France [Lady Christine] and to be forwarded to the King forthwith.”⁵⁹⁶ Whether the following discourse was presented to the King on this occasion is not known; however, it contains the entire marriage treaties of Prince Henry with a Spanish Princess including a French Princess.⁵⁹⁷

To whom the paper is addressed does not appear, yet it must have been written after 1611 and probably kept by Somerset, at a time when the Prince “was secretly meditating a scheme of which, as yet, he did not breathe a syllable to anyone; he would accompany his sister to Germany, when there, he would fling politics to the winds, and choose a wife for himself.”

A relation of the carriage of the marriages to Prince [Henry] of England Infanta Major of Spain & the younger Infanta

Sir,

The charge which I hold, having so necessarily having relation and dependency to that place, to which your wisdom and deserts have moved his Majesty to call you, I have thought it very fit in a matter of no less consequence, that a treaty of marriage for the Prince’s Highness with a daughter of the King of Spain, because I know your Honour shall receive the carriage thereof severally and differently related from many Princes, his Majesty’s allies, and from his Majesty’s public Ministers residing abroad, to set down truly and exactly the original course and issue of the business, to the end, that you, who, under his Majesty, are like hereafter to direct, may be fully acquainted with what formerly passed.

Not long after the concluding of the peace between his Majesty and the King of Spain, [August 19, 1604,] there fell out many causes of expostulation between them, for divers wrongs offered to his Majesty’s subjects contrary to the article of treaty; as also for the

⁵⁹⁶ State Papers, James I., Dom: Correspondence of Chamberlain to Carleton.

⁵⁹⁷ Harleian manuscripts, Vol. 2208. Folio 212.

readiness, which was perceived in the King of Spain to receive and favour persons ill affected to his Majesty and the State.

And thereupon his Majesty was contented, that it should be plainly told to this King's Ambassadors [Conde de Villa Mediana and Don Pedro de Zuniga] residing in England, that he observed so strange a proceeding upon the new amity, as he had cause to suspect, that the former alienation was rather disguised for the contriving of some future ends, then so extinguished, as he might safely build upon such friendship. Whereupon many arguments being used by divers of this King's Ministers, in excuse of what had passed, imputing some things to the slow style of their proceedings in Spain, and some others to concurrency in matters of conscience with those persons, which made their retreat into the King's dominions.

And for the better expressing and intimating of this King's clear and sincere affections towards his Majesty, both Mediana ⁵⁹⁸ in his time, and Zuniga ⁵⁹⁹ since, declared and protested to know so much of the King their master, his good intents for his Majesty, as if he would be pleased (according to nature and custom, by both which the man is to speak first) to begin a motion for a marriage between the Prince [Henry] of Wales and the Infanta, the same should be so well heard, as it should appear, that the King desired not only to continue in amity, but to unite himself nearest alliance unto his Majesty.

To all which, though his Majesty could but return kind and thankful answers in the general, yet for many respects it pleased his Majesty to pass over all these occasions given him by those incitements without making any particular answer, until the time of Velasco ⁶⁰⁰ yet ledger there, who renewing those former overtures, his Majesty could no longer have remained in silence, but he must have given just occasion to retort that opinion of coldness upon himself, for which he had formerly challenged him. And here I can enter to speak of the sequel of the business upon my own knowledge.

In March 1611, the Duke of Savoy sent an embassy to his Majesty, in which he gave commission to his Ambassador [Zuniga] to make offer of the Prince of Piedmont for the Lady Elizabeth's grace, with insinuation likewise how glad the Duke of Savoy would be, if the Prince [Henry] of Wales would dispose himself to like the eldest daughter.

⁵⁹⁸ Was recalled in September 1605.

⁵⁹⁹ Returned from his Embassy in England about April or May 1610.

⁶⁰⁰ Appointed by the Court of Spain to go Ambassador to England in January 1609 till 1610.

To the first, his Majesty made answer, that he would not refuse to treat upon the Duke's own motion if it were propounded single, as it had been formerly moved by the Ambassador of Spain [Velasco]. But if it came accompanied with the condition of reciprocal marriage for the Prince [Henry], his Majesty could give no answer, as not being yet resolved about the bestowing him.

At the same time the Spanish Ambassador [Zuniga] made the first overture for the Prince of Piedmont (for the motion came from him, as so directed from the King of Spain, as he affirmed and showed in writing) he said, that in case his Majesty should be pleased to make the like overture to the King [of Spain] his master for the Prince [Henry] of Wales to match with the Infanta, he did assure himself, that his Majesty should receive a kind and honourable answer, intimating indeed, that the intent of this match with Savoy was to be as a foregoer of the match between the Prince [Henry] and the Infanta; by which all difficulties in matters of religion might be facilitated, that the other might find the less stops and hindrances, when it should come to be negotiated.

Myself at the same time, being appointed to come to be his Majesty's ledger Ambassador into Spain, ⁶⁰¹ to supply the place, which had been two years vacant, with charge to procure some better satisfaction in the merchants' business, than they had yet received, and being so near my departure, I had my inductions ready drawn and perfected, and had also taken my leave of his Majesty, thinking within [a] very few days to have begun my journey.

My Lord Treasurer [Cecil,] upon this new invitation of the Ambassador [Zuniga], sent one down to Royston to his Majesty, to make him acquainted. Whereupon his Majesty was pleased to give me order, how to behave myself in the business; and caused particular directions to be added and adjoined to my former instructions, wherein before there was no kind of mention or any such motion, an evident argument, that the overtures of the Ambassador, and the assurance he gave his Majesty, that the proposition should have all kind of acceptance, were the only motives, which led his Majesty to propound the match. This being the true manner, in which this business was by the Ambassador [Zuniga] revived and by which his Majesty and this King have proceeded.

⁶⁰¹ The writer of this discourse could be Francis Cottington (1st Baron Cottington) who was recommended to Sir Charles Cornwallis (Ambassador to the court of Philip III of Spain) becoming a member of his suite and acting as English Agent (or spy) on the latter's recall from 1609 to 1611.

While Simon Digby was already in England informing Coke of the matter of espionage against Somerset, the other Digby (John) arrived on March 21, 1616, and was immediately put into communication with Coke. But the inquiries which followed brought out nothing to the purpose: It appeared that Somerset was not, and never had been, a pensioner of Spain; and that though he had had private dealings with the Spanish Ambassador about matters of State, which at another time might perhaps have exposed him to a censure in the Star Chamber for contempt, they had nothing to do with the present charge, and were not fit to be mixed up with it. So the preparations for the indictment went on,⁶⁰² and Digby forwards the following letter to the King.

Sir John Digby to King James

(April 3, 1616)

By the marginal notes of my Lord Chief Justice Coke upon the enclosed letter, which is the same I received from him, your Majesty will see in what particulars he desired to receive satisfaction, as judging he might make use of them [Spanish pensions] in this business [Overbury case] which he had now in hand, though indeed they have no relation to it; neither, as I conceived, can there any inference be drawn from them concerning it, since it now appears that my Lord of Somerset acquainted your Majesty with the dispatch, and concealed not those businesses of consequence from you, as it seems my Lord Coke believed, when your Majesty commanded me to attend him, for (as I remember) he told me your Majesty had never seen that dispatch.

I must confess unto your Majesty that I am of opinion that the coming of this letter unto my Lord Coke's hands has been the cause of his aggravating matters very far, for he having there found mention made of the discovery of your Majesty's secrets, of great sums of money bestowed upon your Majesty's principal Ministers, of Spanish pensioners, of the selling of my dispatches, either conjectured these things to have been absolutely held back from your Majesty, or else, lighting upon them in the prosecution of the business concerning my Lord of Somerset, made a wrong application of them to him, whereas, the truth is, they had only a reference to times past, and I had formerly at large made your Majesty

⁶⁰² James Spedding, *An Account of the Life and Times of Francis Bacon*, Vol. II., (Boston: Houghton, Mifflin & Co., 1880).

acquainted with them, and so shall again my Lord Chancellor, as far as your Majesty shall think it fit, for your service.

Of all that I am able to say unto your Majesty concerning my Lord of Somerset, both of his careless manner of keeping those papers and secrets committed unto him by your Majesty, as likewise his treating with the Spanish Ambassador in the business of the marriage, both without your Majesty's privity, and clear in a contrary manner to that which your Majesty had signified unto me was your pleasure should be held, I have in my former dispatches given unto your Majesty a full account.⁶⁰³

But hereunto it is likely much may be added by the light that may be gathered from Sir R. Cotton, if he may be examined concerning all the particulars in which he was employed by my Lord of Somerset to the Spanish Ambassador; both how far he therein used your Majesty's name, as likewise, what hopes and promises were given for the effecting of the said match, and especially whether by my Lord of Somerset's directions, he discovered not certain propositions, and demands in point of religion, which in great secrecy I had sent unto your Majesty; as likewise, what other advertisement of mine he acquainted the Spanish Ambassador withal.

The Spanish matter, after Digby's above letter, vanishes from the Jacobean stage. We find no other correspondence or documents relating to it.

If Coke wished to gather evidence and charge Somerset in a new trial for High Treason, he was hindered in doing so by the King. And to guarantee that Coke would not delve into the matter at a future date, he was removed as Commissioner from the Overbury case by the end of the year and disgraced upon charges which do not concern us in this research.

On the other hand, Digby begins to be favoured; he was sworn Vice Chancellor and of the Privy Council as Chamberlain writes to Carleton on April 6, 1616: "What composition he has made with the Lord Stanhope, I know not; nor who were the first movers and furtherers of his [Digby's] sudden advancement. Some say the Lord Chamberlain, others Sir George Villiers, and many lay it upon our good friend, Mr. Secretary Bacon. But whatsoever desert or service brought him to it, yet it is thought somewhat strange that so young a man, [b.1580]

⁶⁰³ The matter can be seen in Digby's letter of December 1615.

and of so little means and standing, should be preferred before men of longer service, and that have been long candidate, and fed with hopes and promises. But of these things there can be no other reason given, but that all gamesters thrive not alike.”

Bacon writes to George Villiers in regards to the pronoun letter which the King shifted away from Frances Howard, making her case as meager of evidence as Weston’s was.

Sir Francis Bacon to George Villiers

(April 13, 1616)⁶⁰⁴ (extract)

Wherefore, first for Somerset, being now ready to proceed to examine him, we stay only upon the Duke of Lenox, who it seems is fallen sick and keeps in; without whom, we neither think it warranted by his Majesty’s direction, nor agreeable to his intention, that we should proceed; for that will want, which should sweeten the cup of medicine, he being his countryman and friend.

Farther, I pray let his Majesty know, that on Thursday in the evening, my Lord Chief Justice [Coke] and myself attended my Lord Chancellor at his house for the settling that scruple which his Majesty most justly conceived in the examination of the Lady Somerset; at which time, resting on his Majesty’s opinion, that that evidence, [the pronoun letter,] as it stands now unclear, must *secundum leges sance conscientie* [according to the laws of the Holy conscience] be laid aside; the question was, whether we should leave it out, or try what a re-examination of my Lady Somerset would produce. Whereupon we agreed upon a re-examination of my Lady Somerset, which my Lord Chief Justice [Coke] and I, have appointed for Monday morning.

I was bold at that meeting to put my Lord Chief Justice [Coke] a posing question, which was: Whether that opinion which his brethren had given upon the whole evidence, and he had reported to his Majesty, namely, that it was good evidence, in their opinions, to convict my Lord of Somerset, was not grounded upon this part of the evidence now to be omitted, as well as upon the rest; who answered positively ‘No’ and they never saw the exposition of the letter, but the letter only.

⁶⁰⁴ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

From Bacon's following letter (again to Villiers) it seems not only the King was interfering with the court proceedings on the Overbury case, but also the new favourite was interfering.

Sir Francis Bacon to George Villiers

(April 18, 1616) ⁶⁰⁵

Sir,

I received from you a letter of very brief and clear directions; and I think it a great blessing of God upon me and my labours, that my directions come by so clear a conduit, as they receive no tincture in the passage. Yesterday my Lord Chancellor, the Duke of Lenox, and myself, spent the whole afternoon at the Tower, in the examination of Somerset, upon the articles sent from his Majesty, and some other additional, which were in effect contained in the former, but extended to more particularity, by occasion of somewhat discovered by Cotton's examination and Mr. Vice-Chamberlain's information.

He [Somerset] is full of protestations, and would fain keep that quarter toward Spain clear, using but this for argument, that he had such fortunes from his Majesty, as he could not think of bettering his conditions from Spain, because, as he said, he was no military man. He comes nothing so far on, for that which concerns the treaty, as Cotton, which does much aggravate suspicion against him. The farther particulars I reserve to his Majesty's coming.

[Bacon above alludes to the Spanish pensioners and possibly Somerset's act of High Treason with the Spaniards. But what is interesting, is how Villiers must have been having some doubts as to why Somerset is not in addition being charged with High Treason. Perhaps, and it looks this way, but perhaps the King kept this subject a secret also from his new favourite; being a secret which the King only shared with Somerset. Digby knew of the treasonous action which Somerset had dwelled in; he did not know the motive for it; and it is this motive, which was kept secretive between the King and Somerset, and was not even mentioned to Villiers. For Digby's silence, his "sudden advancement" was reward enough, which was "thought somewhat strange" to Chamberlain who knew nothing of Digby's investigation into Somerset's High Treason.]

⁶⁰⁵ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

In the end, *tanquam obiter*, [as passing,] but very effectually, my Lord Chancellor put him [Somerset] in mind of the state he stood in for the impoisonment; but he was little moved with it, and pretended carelessness of life, since ignominy had made him unfit for his Majesty's service. I am of opinion that the fair usage of him, as it was fit for the Spanish examinations, and for the questions touching the papers and dispatches, and all that, so it was no good preparative to make him descend into himself touching his present danger; and therefore my Lord Chancellor and myself thought not good to insist upon it at this time. For the conclusion of your letter concerning my own comfort, I can but say the Psalm of Quid retribuam? [What returns?] God that gives me favour in his Majesty's eyes will strengthen me in his Majesty's service.

I ever rest your true and devoted servant,

Fra. Bacon.

To requite your postscript of excuse for scribbling, I pray you excuse that the paper is not gilt, I writing from Westminster Hall where we are not so fine. [accommodated.]

Bacon writes to the King on April 28, 1616, in regards to his procedures he wishes to take with Somerset's charges in the Overbury case and wishes the King's "royal judgment." His letter was returned to him with annotations from the King, which we have added for clear reference.

Sir Francis Bacon to King James

(April 28, 1616)⁶⁰⁶

It may please your Most Excellent Majesty,

Your Majesty has put me upon a work of providence in this great cause, which is to break and distinguish future events into present cases; and so to present them to your royal judgment, that, in this action, which has been carried with so great prudence, justice, and clemency, there may be, for that which remains, as little surprise as is possible; but that things duly foreseen may have their remedies and directions in readiness; wherein I cannot forget what

⁶⁰⁶ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

the poet Martial said: That accident is many times more subtle than foresight, and over-reaches expectation; and besides, I know very well the meanness of my own judgment, in comprehending or forecasting what may follow.

It was your Majesty's pleasure also, that I should couple the suppositions with my opinion in every [one] of them, which is a harder task; but yet your Majesty's commandment requires my obedience, and your trust gives me assurance.

I will put the case, which I wish, that Somerset should make a clear confession of his offences, before he be produced to trial.

† **Rex:**⁶⁰⁷ I say with Apollo: *Medio tutius* *itur* [the safer path] if it may stand with law; and if it cannot, when I shall hear that he confessed, I am then to make choice of the first [point] or last [point].

† In this case it seems your Majesty will have a new consult; the points whereof will be:

- (1). Whether your Majesty will stay the trial, and so save them both from the stage, and that public ignominy.
- (2.) Or whether you will, or may fitly by law, have the trial proceed, and stay or reprieve the judgment, which saves the lands from forfeiture, and the blood from corruption.
- (3.) Or whether you will have both trial and judgment proceed, and save the blood only, not from corrupting, but from spilling.

[Our note: Notice the King's note on the left side to what Bacon suggests if Somerset confesses before his trial. The King first prefers to "stay the trial" as he did with Monson's; if this is not accepted by law, then he will go with Bacon's third point, being "trial and judgment," but not execution. This is how Somerset's trial went in the end, but without any confession. . .at least not publicly.]

⁶⁰⁷ King James added his notes to Bacon's letter next to the word *Rex*, meaning King.

These be the depths of your Majesty's mercy which I may not enter into; but for honour and reputation they have these grounds: That the blood of Overbury is already revenged by divers executions. [Franklin, Weston, Turner and Elwaies's.]

That confession and penitence [of Somerset's] are the footstools of mercy; adding this circumstance likewise, that the former offenders did none of them make a clear confession.

[Our note: What Bacon says above strengthens our case that Franklin, Weston, Turner, and Elwaies never confessed to killing Overbury; everything they "confessed" to was extracted by torture, fear of torture, and through Dr. Whiting's pressing "their conscience."]

That the great downfall of so great persons carries in itself a heavy judgment, and a kind of civil death, although their lives should not be taken. All which may satisfy honour for sparing their lives.

[Our note: Bacon above advises the King how he can spare Somerset and his wife's lives prior to their trial. Sly mannerisms.]

But if your Majesty's mercy should extend to the first degree [stay the trial, and so save them both from the stage, and that public ignominy] which is the highest, of sparing the stage and the trial, then three things are to be considered:

† **Rex:** This article cannot be mended [altered] in point thereof.

† First, that they make such a submission or deprecation, as they prostrate themselves, and all that they have, at your Majesty's feet, imploring your mercy.

Secondly, that your Majesty, in your own wisdom, do advise what course you will take, for the utter extinguishing of all hopes of resuscitating of their fortunes and favour; whereof if there should be the least conceit, it will leave in men a great deal of envy and discontent.

And lastly, whether your Majesty will not suffer it to be thought abroad, that there is cause of farther examination of Somerset, concerning matters of estate, after he shall begin once to be a confessant, and so make as well a politic ground, as a ground of clemency, for farther stay.

† **Rex.** If stay of judgment can stand with the law, I could even wish it in this case; in all the rest this article cannot be mended.

† And for the second degree, of proceeding to trial, and staying judgment, [which saves the lands from forfeiture and the blood from corruption] I must better inform myself by precedents, and advise with my Lord Chancellor.

The second case is, if that fall out which is likely, as things stand, and which we expect, which is, that the Lady [Frances Howard] confess; and that Somerset himself plead not guilty, and be found guilty. In this case, first, I suppose your Majesty will not think of any stay of judgment, but that the public process of justice, pass on.

Secondly, for your mercy to be extended to both for pardon of their execution, I have partly touched in the considerations applied to the former case; whereunto may be added, that as there is ground of mercy for her [Frances Howard] upon her penitence and free confession, and will be much more upon his finding guilty; because the malice on his part will be thought the deeper source of the offence; so there will be ground for mercy on his part, upon the nature of the proof; and because it rests chiefly upon

presumptions.

For certainly there may be an evidence so balanced, as it may have sufficient matter for the conscience of the peers to convict him, and yet leave sufficient matter in the conscience of a King upon the same evidence to pardon his life; because the Peers are astringed by necessity either to acquit or condemn; but grace is free, and for my part, I think the evidence in this present case will be of such a nature.

† **Rex:** That danger is well to be foreseen, lest he upon the one part commit unpardonable errors, and I on the other part seem to punish him in the spirit of revenge.

† Thirdly, It shall be my care so to moderate the manner of charging him, as it might make him not odious beyond the extent of mercy.

[Our note: The King agrees with Bacon's statement above. He gives notice to Bacon (left column) that Bacon should take a "moderate" manner in charging Somerset at his trial just in case Somerset is found to have done "unpardonable errors" and the King is accused of punishing him out of "revenge." So Bacon is to tread lightly upon the charges against Somerset, so no "errors" are pronounced "unpardonable," since the King has already decided to pardon Somerset.]

Lastly, all these points of mercy and favour are to be understood with this limitation, if he do not (by his contemptuous and insolent carriage at the Bar) make himself incapable and unworthy of them.

[Our note: Bacon notes above, that his manner of treading lightly against Somerset at his trial, all depends on how Somerset reacts in Court.]

The third case is, if he should stand mute and will not plead, whereof, your Majesty knows, there has been some secret question.

† **Rex:** This article cannot be mended.

† In this case I should think fit, that, as in public, both myself and chiefly my Lord Chancellor, sitting then as Lord Steward of England, should dehort and deter him [Somerset] from that desperation; [not to react;] so nevertheless, that as much should be done for him, as was done for Weston;⁶⁰⁸ which [your] Majesty is to adjourn the Court for some days, upon a Christian ground, that he may have time to turn from that mind of destroying himself; during which time your Majesty's farther pleasure may be known.

The fourth case is that which I should be very sorry it should happen, but it is a future contingent; that is, if the Peers should acquit him and find him not guilty. In this case, the Lord Steward must be provided [informed] what to do.

[Our note: How could justice have ever been served for Overbury's death by what Bacon writes above? It almost looks as though Somerset's charges were never about Overbury's death, which was registered at the time (1613) as being by poison.]

† **Rex:** This is so also. [Meaning the "article cannot be mended."]

† For as it has been never seen, as I conceive it, that there should be any rejecting of the verdict, or any respiting of the judgment of the acquittal; so on the other side this case requires that; because there be many high and heinous offences, though not capital, for which he may be questioned in the Star Chamber, or otherwise, that there be some touch of that in general at the conclusion, by

⁶⁰⁸ Weston would not put himself upon the country at his trial, and faced torture.

my Lord Steward of England, and that therefore he be remanded to the Tower as close prisoner.

For the matter of examination, or other proceedings, my Lord Chancellor with my advice has set down:

-Tomorrow, being Monday, for the re-examination of the lady.
[Frances Howard.]

-Wednesday next, for the meeting of the Judges concerning the evidence.

-Thursday, for the examination of Somerset himself, according to your Majesty's instructions, which [are] three parts, when they shall be performed, I will give your Majesty advertisement with speed, and in the meantime be glad to receive from your Majesty, whom it is my part to inform truly, such directions or significations of your pleasure as this advertisement may induce, and that with speed, because the time comes on.

Well remembering who is the person ⁶⁰⁹ whom your Majesty admitted to this secret, I have sent this letter open unto him, that he may take your Majesty's times to report it, or show it to you; assuring myself that nothing is more firm than his trust, tied to your Majesty's commandments.

Your Majesty's most humble and most bounden subject and servant,

Fra. Bacon

Somerset's trial proceedings and pardon had already been decided upon, with a little help from Bacon, and Birch corroborates this for us: "It is believed, that some negotiation took place that purchased the criminal's release with his life; for, though Somerset and his wife were found guilty and on the clearest testimony, they were both pardoned, and survived

⁶⁰⁹ This could only have been the new favourite, George Villiers.

the King several years.”⁶¹⁰ We do not believe Coke knew of this procedure; if he did, he has left no record of it in his correspondence or works.

On May 2nd, Bacon forwards more information to a perhaps frustrated Villiers.

Sir Francis Bacon to George Villiers

(May 2, 1616)⁶¹¹

Sir,

I have received my letter from his Majesty with his marginal notes, [given above,] which shall be my directions, being glad to perceive I understand his Majesty so well. That same little charm, which may he secretly infuse into Somerset's ear some few hours before his trial, was excellently well thought of by his Majesty; and I do approve it both for matter and time; only if it seem good to his Majesty, I would wish it a little enlarged.⁶¹²

For if it be no more than to spare his blood, he has a kind of proud humour which may overwork the medicine. Therefore I could wish it were made a little stronger, by giving him some hopes that his Majesty will be good to his Lady and child; and that time, when justice and his Majesty's honour is once saved and satisfied, may produce farther fruit of his Majesty's compassion, which was to be seen in the example of Southampton, whom his Majesty after attainder restored; and Cobham and Gray, to whom his Majesty, notwithstanding they were offenders against his own person, yet he spared their lives; and for Gray, his Majesty gave him back some part of his estate, and was upon point to deliver him much more. He [Somerset] having been so highly in his Majesty's favour may hope well, if he hurt not himself by his public misdemeanor.

For the person that should deliver this message, I am not so well seen in the region of his friends, as to be able to make choice of a particular; my Lord Treasurer, the Lord Knollys, or any of his nearest friends, should not be trusted with it, for they may go too far, and perhaps work contrary to his Majesty's ends. Those which occur to me, [to give Somerset the news of the King's pardon] are my Lord Hay, my Lord Burleigh, of England I mean, and Sir Robert Carr.

⁶¹⁰ Thomas Birch, *The Court and Times of James the First*, Vol. I, 1848.

⁶¹¹ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

⁶¹² The “little charm” which Bacon talks of must have been written by the King on a separate sheet accompanying the letter, which is no longer extant. We believe it was some secret the King shared with Somerset, and we are unable to even speculate what it could have been.

My Lady Somerset has been re-examined, and his Majesty is found both a true prophet and a most just King in that scruple he made; for now she expounds the word 'He,' that should send the tarts to Elwaies's wife, to be of Overbury, and not of Somerset; but for the person that should bid her, she said it was Northampton or Weston, not pitching upon certainty, which gives some advantage to the evidence. [Bacon alludes to the pronoun letter.]

Yesterday being Wednesday, I spent four or five hours with the Judges whom his Majesty designed to take consideration with, the four Judges of the King's Bench, of the evidence against Somerset. They all concur in opinion, that the questioning and drawing him on to trial is most honourable and just, and that the evidence is fair and good.

Your true and devoted servant,

Fra. Bacon

After reading Bacon's above letter, perhaps it was also upon Bacon's advice that the Mary Woods case not be mentioned since it would have given a very strong inclination to Frances Howard's guilt. If she could request from Simon Forman in 1611, from Mary Woods in 1612, from Anne Turner in 1612, poison from them to kill her first husband, then how much more would she have endeavoured to do in order to get rid of a stranger as Overbury was to her?

How much did Coke go along with this charade? Not long; soon after, he was taken off the Commission as mentioned earlier. Gossip had his discharge being on noting he knew something of the death of "that sweet babe," as he called Prince Henry, and his inclination upon investigating the death. But Coke could not have investigated into the Prince's death, exploiting that Prince with such foulness, without the King's consent. That the investigation was stopped by the King is crystal clear, which happened after receiving Somerset's letter: That if the investigation continued, the King would be removed from the stage. The letter was given earlier in this research.

In Bacon's next letter to Villiers, it looks like the latter was inquiring if he was in any danger of being thrown off the pedestal by Somerset's pardon from the King, and mentions how he does not want the King's preference to pardon Somerset written down as yet; he prefers a messenger verbally give Somerset the news.

Sir Francis Bacon to George Villiers**(May 5, 1616)** ⁶¹³

Sir,

I am far enough from opinion, that the reintegration or resuscitation of Somerset's fortune can ever stand with his Majesty's honour and safety; and therein I think I expressed myself fully to his Majesty in one of my former letters; and I know well any expectation or thought abroad will do much hurt.

But yet the glimmering of that which the King has done to others, by way of talk to him, cannot hurt, as I conceive; but I would not have that part of the message as from the King, but added by the messenger, as from himself. This I remit to his Majesty's princely judgment. For the person, though he [the King] trust[s] the Lieutenant [George More] well, yet it must be some new man; for in these cases, that which is ordinary, works not so great impressions, as that which is new and extraordinary. The time I wish [for the news to be sent to Somerset] to be the Tuesday, being the evening of his Lady's arraignment. For, as his Majesty first conceived, I would not have it stay in his stomach too long, lest it sour in the digestion; and to be too near the time, may be thought but to tune him for that day. I send here withal the substance of that which I purpose to say nakedly, and only in that part which is of tenderness; for that I conceive was his Majesty's meaning.

It will be necessary, because I have distributed parts to the two Serjeants, as that paper does express, and they understand nothing of his Majesty's pleasure of the manner of carrying the evidence more than they may guess by observation of my example, which they may ascribe as much to my nature as to direction; therefore that his Majesty would be pleased to write some few words to us all, signed with his own hand, that, the matter itself being tragical enough, bitterness and insulting be forborne; and that we remember our part to be to make him delinquent to the Peers, and not odious to the people.

That part of the evidence of the Lady's exposition of the pronoun (*he*) which was first caught hold of by me, and afterwards by his Majesty's singular wisdom and conscience excepted to, and now is by her re-examination retracted, I have given order to Serjeant Montague, within whose part it falls, to leave it out of the evidence. I do yet crave pardon, if I do not certify

⁶¹³ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

touching the point of law for respiting the judgment, for I have not fully advised with my Lord Chancellor concerning it, but I will advertise it in time.

I send his Majesty the Lord Steward's commission in two several instruments, the one to remain with my Lord Chancellor, which is that which is written in [the] secretary's hand for his warrant, and is to pass the signet; the other, that whereunto the Great Seal is to be affixed, which is in [the] chancery's hand. His Majesty is to sign them both, and to transmit the former to the signet, if the secretaries either of them be there; and both of them are to be returned to me with all speed.

I ever rest your true and devoted servant.

Fra. Bacon

It is doubtful if the messenger arranged to give Somerset verbal confirmation of a King's pardon had been sent prior the following letter the King sends to George More. It is evident, that Somerset had told the latter something, which he cannot "conjecture" what it is, but felt sure the King should know about it. There is no date on the letter, but it is accurate to add it here prior to any messenger going to Somerset with the King's decision to offer him his pardon before his trial begins.

King James to Sir George More ⁶¹⁴

Good Sir George,

I am extremely sorry that your unfortunate prisoner [Somerset] turns all the great care I have of him not only against himself, but against me also, as far as he can. I cannot blame you that you cannot conjecture what this may be, for God knows it is only a trick of his idle brain, hoping thereby to shift his trial; but it is easy to be seen that he would threaten me with laying an aspersion upon me of being in some sort accessory to his crime. I can do [no] more (since God so obstructs his grace from him), than repeat the substance of that letter which the Lord Hay sent you yesternight, which is this: If he [Somerset] would write or send me any message concerning this poisoning, it need not be private, if it be of any other business.

That which I cannot now with honour receive privately, I may do it after his trial or confession proceed. I cannot hear a private message from him, without laying an aspersion upon myself

⁶¹⁴ *Archæologia*, Vol. XVIII.

of being an accessory to his crime; and I pray you to urge him, by reason that I refuse him no favour which I can grant him without taking upon me the suspicion of being guilty of that crime whereof he is accused.

And so farewell.

JAMES R

It is ironic what the King writes to More: “I refuse him no favour which I can grant him without taking upon me the suspicion of being guilty of that crime whereof he is accused.” So that the King decided prior Somerset’s trial (with Bacon’s help) to pardon him, should we then believe that the King should be considered suspicious “of being guilty of that crime whereof” Somerset “is accused”?

According to King James’s action, it seems so.

If anything, the King is confessing to being guilty as Somerset was. But it was not Overbury’s death that Somerset was throwing darts at, and the King knew this.

In his entire mannerism of “King’s Craft,” the royal hand calms down the Lieutenant, and forwards a letter to More who implores him to be secretive and convey a messenger to Somerset. This messenger then, is who will give Somerset the news and decision of the King to pardon Somerset prior his trial.

King James to Sir George More

(May 9, 1616) ⁶¹⁵

Good Sir George,

As the only confidence I hold in your honesty made me, without the knowledge of any, put you in that place of trust which you now possess, so must I now use your trust and secrecy in a thing greatly concerning my honour and service. You know Somerset’s day of trial is at hand, and you know also what fair means I have used to move him, by confessing the truth, to honour God and me, and leave some place for my mercy to work upon. I have now, at last, sent the bearer hereof, an honest gentleman, and who once followed him with such directions unto him, as if there be a spunk of grace left in him, I hope they shall work a good effect. My only desire is, that you would make his [the messenger’s] convoy unto him

⁶¹⁵ Endorsed by “Sir George More, 5th of May, about one of the clock in the afternoon, 1614.”

[Somerset] in such secrecy as none living may know of it, and that after his speaking with him in private, he may be returned back again as secretly.

So reposing myself upon your faithful and secret handling of this business, I bid you heartily farewell.

JAMES R

It seems Bacon had interviewed Somerset during this time and gives some description of how it went in the following letter. Notice towards the end how Bacon asked/or hinted on Prince Henry's death by poison. This only fortifies our claim that the Prince's death had been exploited and used against Somerset by the King's orders.

Sir Francis Bacon to King James

(May 10, 1616) ⁶¹⁶

It may please your Majesty,

We have done our best endeavours to perform your Majesty's commission, both in matter and manner, for the examination of my lord of Somerset; wherein that which passed, for the general, was to this effect: That he was to know his own case, for that his day of trial could not be far off; but that this day's work was that which would conduce to your Majesty's justice little or nothing, but to your mercy much, if he did lay hold upon it; and therefore might do him good, but could do him no hurt. For as for your justice, there had been taken great and grave opinion, not only of such Judges as he may think violent, but of the most sad and most temperate of the kingdom, who ought to understand the state of the proofs, that the evidence was full to convict him, so as there needs neither confession, nor supply of examination. But for your Majesty's mercy, although he were not to expect we should make any promise, we did assure him, that your Majesty was compassionate of him if he gave you some ground whereon to work; that as long as he stood upon his innocence and trial, your Majesty was tied in honour to proceed according to justice; and that he little understood, being a close prisoner, how much the expectation of the world, besides your love to Justice itself, engaged your Majesty, whatsoever your inclinations were. But nevertheless, that a

⁶¹⁶ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

frank and clear confession might open the gate of mercy, and help to satisfy the point of honour.

That his lady, [Frances Howard,] as he knew, and that after many oaths and imprecations to the contrary, had nevertheless in the end, being touched with remorse, confessed; that she that led him to offend, might lead him likewise to repent of his offence; that the confession of one of them could not fitly do either of them much good, but the confession of both of them might work some farther effect towards both; and therefore, in conclusion, we wished him not to shut the gate of your Majesty's mercy against himself, by being obdurate any longer. This was the effect of that which was spoken, part by one of us, part by another, as it fell out; adding farther, that he might well discern who spoke in us [the King] in the course we held; for that Commissioners for examination might not presume so far of themselves.

Not to trouble your Majesty with circumstances of his answers, the sequel was no other, but that we found him still not to come any degree farther on to confess; only his behaviour was very sober, and modest, and mild, differing apparently from other times, but yet, as it seemed, resolved to have his trial. Then did we proceed to examine him upon divers questions touching the impoisonment, which indeed were very material and supplemental to the former evidence; wherein either his affirmatives gave some light, or his negatives do greatly falsify him in that which is apparently proved. We made this farther observation: That when we asked him some question that did touch the Prince [Henry] or some foreign practice, [Spanish treason,] which we did very sparingly at this time, yet he grew a little stirred, but in the questions of the impoisonment very cold and modest.

Thus not thinking it necessary to trouble your Majesty with any further particulars, we end with prayer to God ever to preserve your Majesty.

Your Majesty's most loyal and faithful servant.

Fra. Bacon.

Postscript: If it seem good unto your Majesty, we think it not amiss some preacher, well chosen, had access to my Lord of Somerset for his preparing and comfort, although it be before his trial.

Sir Francis Bacon to George Villiers**(May 10, 1616)** ⁶¹⁷

Sir,

Your man made good haste; for he was with me yesterday (about ten of the clock the forenoon) since I held him. The reason, why I set so small a distance of time between the use of the “little charm,” or as his Majesty better terms it “The Evangile,” [bible in Latin,] and the day of his trial notwithstanding his Majesty being so far off, as advertisement of success and order thereupon could not go and come between, was chiefly, for that his Majesty from whom the overture of that first moved, did write but of a few hours, that this should be done, which I turned into days.

Secondly, because the hope I had of effect by that mean, was rather of attempting him at his arraignment, than of confession before his arraignment. But I submit it to his Majesty’s better judgment. The person, by your first description, which was without name, I thought had been meant of Packer; but now I perceive it is another, to me unknown, but, as it seems, very fit. I doubt not but he came with sufficient warrant to Mr. Lieutenant to have access.

In this I have no more to do, but to expect to hear from his Majesty how this worked. ⁶¹⁸

The letter from his Majesty to myself and the Serjeants, I have received, such as I wished; and I will speak with the Commissioners, that he [Somerset] may, by the Lieutenant, understand his Majesty’s care of him, and the tokens herein of his Majesty’s compassion towards him. I ever had a purpose to make use of that circumstance, that Overbury, the person murdered, was his Majesty’s prisoner in the Tower; which indeed is a strong pressure of his Majesty’s justice. For Overbury is the first prisoner murdered in the Tower, since the murder of the young Princes by Richard the third, the tyrant. ⁶¹⁹

I would not trouble his Majesty with any points of preamble, nor of the evidence itself, more than that part nakedly, wherein was the tenderness, in which I am glad his Majesty, by his

⁶¹⁷ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846).

⁶¹⁸ Bacon alludes to the messenger who was secretly dispatched to Somerset.

⁶¹⁹ Overbury had not been the first prisoner murdered in the Tower and neither were the Princes. The prisoners who were tortured in the Tower and either died of the effects, or were left to rot, have been recorded in the Council Books. So Bacon was wrong; many souls were murdered in the Tower prior and after Overbury. As to the Princes, it is a direct accusation from Bacon on Richard III in murdering the Princes in the Tower in 1483. Not many contemporary or old authors have been bold enough to actually accuse King Richard of the crime, though it has been alluded to, since no evidence exists to firmly charge that King with the Princes’ deaths.

postal, which he returned to me, approves my judgment. Now I am warranted, I will not stick to say openly I am commanded, not to exasperate, nor to aggravate the matter in question of the impoisonment [of Overbury] with any other collateral charge of disloyalty, or otherwise; wherein, besides his Majesty's principal intention, there will be some use to save the former bruits of Spanish matters.

There is a direction given to Mr. Lieutenant by My Lord Chancellor and myself, that as yesterday Mr. Whiting (the preacher) a discreet man, and one that was used to Elwaies, should preach before the Lady [Frances Howard,] and teach her, and move her generally to a clear confession. That after, the same preacher should speak as much to him [Somerset] at his going away in private; and so proof to be made whether this good [will] mean, and the last night's thoughts, will produce anything. And that this day the Lieutenant should declare to her the time of her trial, and likewise of his trial, and persuade her, not only upon Christian duty, but as good for them both, that she deal clearly touching him, whereof no use can be made, nor need to be made for evidence, but much use may be made for their comfort.

It is thought, that at the day of her trial the Lady will confess the indictment; which if she do, no evidence ought to be given. But because it shall not be a dumb show, and for his Majesty's honour in so solemn an assembly, I purpose to make a declaration of the proceedings of this great work of justice, from the beginning to the end, wherein, nevertheless, I will be careful no ways to prevent or discover the evidence of the next day.

In this my Lord Chancellor and I have likewise used a point of providence; for I did forecast, that if in that narrative, by the connection of things, anything should be spoken, that should show him [Somerset] guilty, she might break forth into passionate protestations for his clearing; which, though it may be justly made light of, yet it is better avoided. Therefore, my Lord Chancellor and I have devised, that upon the entrance into that declaration she shall, in respect of her weakness, and not to add farther affliction, be withdrawn.

It is impossible, neither it is needful for me to express all the particulars of my care in this business. But I divide myself into all cogitations as far as I can foresee; being very glad to find, that his Majesty does not only accept well of my care and advices, but that he applies his directions so fitly, as guides me from time to time.

I have received the Commissions signed. I am not forgetful of the goods and estate of Somerset, as far as is seasonable to inquire at this time. My Lord Coke takes upon him to

answer for the jewels, being the chief part of his moveable value. And this, I think, is done with his Majesty's privity. But My Lord Coke is a good man to answer for it. God ever preserve and prosper you. I rest.

Your true and devoted servant.

Fra. Bacon

May 10. 1616. Friday

7 of the clock in the morning

Four days after the messenger gave Somerset the King's decision -that he is to be pardoned prior his trial- it seems Somerset no longer trusted the King who once used to pinch his cheeks. No doubt Somerset told this to More who told it to the King who in turn responded with the following.

The underlining is ours to specify the importance of the content.

King James to Sir George More

(May 13, 1616) ⁶²⁰

Good Sir George,

Although I fear that the last message I sent to your unfortunate prisoner shall not take the effect I wish it should, yet I cannot leave off to use all means possible to move him to do that, which is both most honourable for me and his own rest. You shall therefore give him assurance in my name, that if he will yet before his trial confess clearly unto the Commissioners his guiltiness [of the] fact, I will not only perform what I promised by my last messenger, both towards him and his wife, but I will enlarge it, according to the phrase of the civil law; I mean not that he shall confess if he be innocent, but you know how evil likely that is; and of yourself you may dispute with him, what should mean his confidence now to endure a trial, when as he remembers that this last winter he confessed to the Chief Justice [Coke] that his cause was so evil likely, as he knew no jury could acquit him. ⁶²¹

Assure him [Somerset] that I protest, upon my honour, my end in this is for his and his wife's good. You will do well likewise of yourself, to cast out unto him, that you fear his wife shall

⁶²⁰ *Archæologia*, Vol. XVIII.

⁶²¹ It is uncertain what other enlargement to the King's pardon Somerset should have received; Bacon never specified this. But whatever the King had in mind to add and "enlarge" the pardon with, it included also Frances Howard's benefit.

plead weakly for his innocence, and that you find the Commissioners have, you know not how, some secret assurance, that in the end she will confess of him; but this must only be as from yourself, and therefore you must not let him know that I have written unto you, but only that I sent you private word to deliver him this message. [Regarding the enlargement.]

[Notice how the King manipulates the circumstances, to such an extent, that it is almost pitiful to read King James's character slither out on this occasion.]

Let none living know of this, and if it takes good effect, move him to send in haste for the Commissioners, to give them satisfaction; but if he remains obstinate, I desire not that you should trouble me with an answer; for it is to no end, and no news is better than evil news.

And so farewell and God bless your labours.

JAMES R

On May 17, 1616, a letter from Edward Sherburn to Carleton tells us how "Somerset, seeing he must be tried, which he would not believe before, promises to discover some matters which nearly concern the King and State."⁶²² How this was circulated is unknown; but however the King wished secrecy and discretion, he chose the wrong person to confide in. The only individual, who could have gossiped about Somerset's actions and the King's reaction to them, was George More himself. And Welldon is well to say that it was indeed from George More he heard the following tale, whilst they were strolling in Wanstead Park.

Sir George More to Sir Anthony Welldon

(Wanstead Park)⁶²³

Somerset, being told, as the manner [event] is by the Lieutenant, that he must provide to go next day to his trial, did absolutely refuse it, and said, they should carry him in his bed; that the King had assured him he should not come to any trial neither dared the King bring him to trial. This was in a high strain and in a language not well understood by George More that made More quiver and shake, and however he was accounted a wise man yet was he near at his wits end. So away goes More to Greenwich, as late as it was (being 12 at night)

⁶²² State Papers, James I., Dom.

⁶²³ Sir Anthony Welldon, *The Court and Character of King James I*, 1650.

bouncing at the back stairs as if mad, to whom came Loveston (one of the Grooms out of his bed), enquiring the reason of his late visit to the King. More tells him [Loveston] he must speak with the King. Loveston replies he is quiet (which in the Scottish dialect is fast asleep). More says "you must awake him."

More was called in; the chamber left to the King and More, he tells the King those passages [heard from Somerset] and desired to be directed by the King for he was gone beyond his own reason to hear such bold told undutiful expressions, from a faulty subject, against a just Sovereign. The King falls into a passion of tears. "On my soul, More, I wot not what to do, thou art a wise man, help me in this great straight, and thou shalt find thou dost it for a thankful Master." With other sad expressions from the King, More leaves, but assures him he will prove the utmost of his wit to serve his Majesty, and was really rewarded with a suit worth to him £1,500, although Annandale (his great friend) did cheat him of one half, so was there falsehood in friendship.

More returns to Somerset about three [A.M.] the next morning, of that day he was to come to trial [May 25, 1616, and] enters Somerset's chamber, tells him he had been with the King, found him a most affectionate Master unto him and full of grace in his intentions towards him. "But to satisfy justice, you must appear, although return instantly again, without any further proceeding. You shall know your enemies and their malice, though they shall have no power over you."

With this trick of wit, he allayed Somerset's fury, and got him quietly about eight in the morning to [Westminster] Hall, yet feared his former bold language might revert again, and being brought by this trick into the toil, might have enraged him to fly out into some strange discovery that he had two servants placed on each side of him, with a cloak on their arms giving them a peremptory order, if Somerset did any way say out [talk offensively] of the King, they should instantly hoodwink him with that cloak and take him violently from the Bar, and carry him away; for which he would secure them from any danger, and they should not want also a bountiful reward. But Somerset finding himself over-reached, recollected a better temper, and went on calmly in his trial where he held the company till seven at night, but who had seen the King's restless motion all that day sending to every boat to see landing at the bridge, cursing all that came without tidings. This is the very event from Moore's own mouth in Wanstead Park, and this told to two gentlemen (of which I was one).

The following letter was sent on the day of Somerset's trial, right after George More had returned from the King, as described above by Welldon. Notice should be made from the letter how the King was deep down unsure that prosecuting Somerset was a good idea, and perhaps Somerset's trial "may adjourn" until the prisoner felt better.

King James to Sir George More

(May 25, 1616) ⁶²⁴

Good Sir George,

For answer to your strange news I am first to tell you, that I expect the Lord Hay and Sir Robert Carr have been with you before this time; which, if they have not yet been, do send for them in haste, that they may first hear him, [Somerset,] before you say anything unto him; and when that is done, if he shall still refuse to go [to trial] you must do your office, [duty] except he be either apparently sick, or distracted of his wits; in any of which cases you may acquaint the Chancellor with it, that he may adjourn the day [of the trial] till Monday next, between this and which time, if his sickness or madness be counterfeited, it will manifestly appear.

In the meantime, I doubt not but you have acquainted the Chancellor with this strange tit-[bit] of his; [Somerset's;] and if, upon these occasions, you bring him [to trial] a little later than the hour appointed, the Chancellor may in the meantime protract the time the best he may; whom I pray you to acquaint likewise with this my answer, as well as with the accident, [event,] if he has said anything of moment to the Lord Hay.

I expect to hear of it with all speed; if otherwise, let me not be troubled with it till the trial be past.

Farewell.

In the meantime, the pardon of Frances Howard was prepared by Bacon as he writes to Villiers: "I send you enclosed a warrant for my Lady of Somerset's pardon reformed in that main and material point that she was not a principal, but an accessory before the fact, by the instigation of base persons. Her friends think long to have it dispatched, which I marvel not at, for that in matter of life, moments are numbered."

⁶²⁴ *Archæologia*, Vol. XVIII.

Spedding noted on Bacon's action: "A letter from Bacon to Sir G. Villiers contains a paragraph, showing that Bacon designedly inserted in the Countess of Somerset's pardon a palpable untruth."⁶²⁵ What this "palpable untruth" can be found in Chamberlain's letter of the day:

"The Lady's pardon was signed the other week. This day seven at night I saw it, and had it in my hand, before it went to the Seal. The special reasons and inducements for it were four: The great and long service of her father, family, and friends; her own penitence and voluntary confession, both before her arraignment and at the Bar; the promise of the Lord Steward and Peers to intercede for her; and lastly, that she was not principal but accessory before the fact, and drawn to it by the instigation of base persons."⁶²⁶ Birch had noted that the "base persons" mentioned "were her instruments, not her instigators, and had no interest in the murder, to which she was led entirely by revenge. [King] James's special reasons and inducements for pardoning so vile a creature were very different from those alleged, and they did not escape some of his more observant subjects."⁶²⁷

Bacon then goes on to write the notes and details of what he had discussed with the King and how they wished Frances Howard and Somerset's trials to be acted out on the spot. Some concerns were held back, whilst others were changed or removed.

Questions legal for the Judges - Case of the Earl & Countess of Somerset

By Sir Francis Bacon

- Whether the axe is to be carried before the prisoner, being in the case of felony.
- Whether, if the Lady make[s] any digression to clear his Lordship, she is not by the Lord Steward to be interrupted and silenced.
- Whether, if my Lord of Somerset should break forth into any speech of taxing the King, he be not presently by the Lord Steward to be interrupted and silenced; and, if he persist, he be

⁶²⁵ James Spedding, *Life and Times*, (London: Trubner & Company, 1878).

⁶²⁶ Correspondence between John Chamberlain and Dudley Carleton, dated July 20, 1616.

⁶²⁷ Thomas Birch, *The Court and Times of James the First*, Vol. I, 1848.

not to be told, that if he take that course, he is to be withdrawn, and evidence to be given in his absence. And whether that may be and what else to be done.

--Whether if there should be twelve votes to condemn and twelve or thirteen to acquit, it be not a verdict for the King.

Questions of Convenience

Whereupon his Majesty may confer with some of his Council

By Sir Francis Bacon

--Whether, if Somerset confess at any time before his trial, his Majesty shall stay trial in respect of farther examination, concerning practice of treason as [to] the death of the late Prince [Henry], the conveying into Spain of the now Prince [Charles], or the like; for till he confess the less crime, there is [no] likelihood of confessing the greater.

--Whether, if the trial upon that reason shall be put off, it shall be discharged privately by dissolving the Commission, or discharging the summons; or, whether it shall not be done in open Court, the Peers being met, and the solemnity and celebrity preserved; and that with some declaration of the cause of putting off the farther proceeding.

--Whether the days of her trial and his shall be immediate, as it is now appointed; or a day between, to see if, after condemnation, the Lady will confess of this Lord; which done, there is no doubt but he will confess of himself.

--Whether his trial shall not be set first, and hers after, because then any conceit, which may be wrought by her clearing of him, may be prevented; and it may be he will be in the better temper, hoping of his own clearing, and of her respiting. What shall be the days; for Thursday and Friday can hardly hold in respect of the summons; and it may be as well Friday and Saturday, or Monday and Tuesday, as London makes it.

A particular remembrance for his Majesty

By Sir Francis Bacon

It were good, that after he [Somerset] is come into the Hall, so that he may perceive he must go to trial, and shall be retired into the place appointed, till the Court call for him, then the Lieutenant [More] should tell him roundly, that if in his speeches he shall tax the King, that the justice of England is, that he shall be taken away, and the evidence shall go on without

him; and then all the people will cry away with him; and then it shall not be in the King's will to save his life, the people will be so set on fire.

The Earl of Somerset's Arraignment

**Indorsed: Memorial touching the course to be had in my
Lord of Somerset's Arraignment.**

The Heads of the Charge against Robert, Earl of Somerset.

Apostyle of the King

You will do well to remember likewise, in your preamble that insigne, that the only zeal to justice makes me take this course. I have command it you not to expatiate, nor digress upon any other points, that may not serve clearly for probation or inducement of that point, whereof he is accused.

First it is meant, that Somerset shall not be charged with anything by way of aggravation, otherwise than as conduces to the proof of the impoisonment. [Meaning Overbury's imprisonment.]

For the proofs themselves, they are distributed into four:

The first to prove the malice, which Somerset bore to Overbury, which was the motive and ground of the impoisonment.

The second is to prove the preparations unto the impoisonment, by plotting his imprisonment, placing his keepers, stopping access of friends, etc.

The third is the acts of the impoisonment themselves.

And the fourth is acts subsequent, which do vehemently argue him to be guilty of the impoisonment.

For the first two heads, upon conference, whereunto I called Serjeant Montagu and Serjeant Crew, I have taken them two heads to myself; the third I have allotted to Serjeant Montagu; and the fourth to Serjeant Crew.

In the first of these, to my understanding, is the only tenderness; for on the one side, it is most necessary to lay a foundation, that the malice was a deep malice, mixed with fear, and not only matter of revenge upon his Lordship's quarrel, for *periculum periculo vinciur*, [danger, danger is bound to arise,] and the malice must have a proportion to the effect of it, which was the impoisonment. So that if this foundation be not laid, all the evidence is weakened. On the other side, if I charge him, or could charge him, by way of aggravation, with matters tending to disloyalty or treason, then he is like to grow desperate.

Therefore I shall now set down perspicuously what course I mean to hold, that your Majesty may be pleased to direct and correct it, preserving the strength of the evidence; and this I shall now do, but shortly and without ornament.

First, I shall read some passages of Overbury's letters, namely these:

–“Is this the fruit of nine years love, common secrets and common dangers?”

–In another letter “do not drive me to extremity to do that which you and I shall be sorry for.”

–In another letter “can you forget him, between whom such secrets of all kinds have Passed?”

Then will I produce Simcock [Overbury’s landlord] who deposes from Weston’s speech, that Somerset told Weston, that if ever Overbury came out of prison, one of them must die for it.

Then I will say what these secrets were. I mean not to enter into particulars, nor to charge him with disloyalty, because he stands to be tried for his life upon another crime. But yet by some taste, that I shall give to the peers in general, they may conceive of what nature those secrets may be.

Wherein I will take it for a thing notorious that Overbury. . .

–Was a man that always carried himself insolently, both towards the Queen, and towards the late Prince [Henry].

–That he was a man that carried Somerset on in courses separate and opposite to the Privy Council.

–That he was a man of nature fit to be an incendiary of a state, full of bitterness and wildness of speech and project.

–That he was thought also lately to govern Somerset, [mentioned by Thomas Howard,] insomuch that in his own letters he vaunted, that from him proceeded Somerset’s fortune, credit, and understanding.

This course I mean to run in a kind of generality,

putting the imputations rather upon Overbury than Somerset; and applying it, that such a nature was like to hatch dangerous secrets and practices.

I mean to show likewise what jargons there were and ciphers between them, which are great badges of secrets of estate, and used either by Princes and their Ministers of State, or by such as practice against Princes.

That your Majesty was called *Julius* in respect of your empire; the Queen *Agrippina*, though Somerset now says it was *Livia*; and that my Lady of Suffolk was *Agrippina*; The Bishop of Canterbury was *Unctius*; Northampton was *Dominic*; Suffolk, first *Lerma*, after *Wolsey*; and many others; so as it appears they made a play both of your Court and kingdom; and that their imaginations wrought upon the greatest men and matters.

Neither will I omit Somerset's breach of trust to your Majesty, in trusting Overbury with all the dispatches; things wherewith your council of estate itself was not many times privy or acquainted; and yet this man must be admitted to them, not cursorily, or by glimpses, but to have them by him, to copy them, to register them, to table them.

Apostyle of the King

This evidence cannot be given in without making me his accuser and that upon a very slight ground.

I shall also give in evidence, in this place, the slight account of that letter, which was brought to Somerset by Ashton, being found in the fields soon after the late Prince's [Henry's] death, and was directed to Antwerp,

As for all the subsequent evidences, they are all so little evident, as *una litura* [in one wiping] may serve them all.

Apostyle of the King

Nothing to [accuse] Somerset, and declared by Franklin after condemnation.

containing these words, “that the first branch was cut from the tree, and that he should, ere long, send happier and joyfuller news.” Which is a matter I would not use, but that my Lord Coke, who has filled this part with many frivolous things, would think all lost, except he hear somewhat of this kind. But this it is to come to the leavings of a business.

And for the rest of that kind, as to speak of that particular, that Mrs. Turner did at Whitehall show to Franklin the man, who, as she said, poisoned the Prince [Henry], which, he says, was a physician with a red beard.

[Our note: The above Bacon tells us was not produced for the public domain from Franklin’s so-called confessions. The physician with “a red beard” has been mentioned by contemporary authors to have been Théodore Mayerne, the King’s physician.]

Apostyle of the King

Nothing to [accuse] Somerset, and a loose conjecture.

That there was a little picture of a young man in white wax, left by Mrs. Turner with Forman the conjuror, which my Lord Coke doubted was the Prince [Henry].

Apostyle of the King

No better than a gazette, or passage of Gallo Belgicus.

That the Viceroy [regal official] of the Indies at Goa reported to an English factor, that Prince Henry came to an untimely death by a mistress of his.

[Our note: The King alludes to John Donne’s Epigram, entitled: Mercurius Gallo-Belgicus (Mercury

[Our note: Bacon alludes to Frances Howard; and it is most probably from Bacon’s phrase here that many contemporary authors have stamped Prince Henry with

French-Dutch) which is given below.

having an affair with her when he was fourteen in 1608.]

Mercurius Gallo-Belgicus

Like Æsops's fellow-slaves,
O Mercury, which could do all
things, thy faith is; and I like
Æsops's self, which nothing.
I confess I should have had more
faith, if thou hadst less; thy credit
lost thy credit. 'Tis sin to do, in this
case, as thou couldst be done
unto, to believe all. Change thy
name; thou art like Mercury in
stealing, but lies like a Greek.

Apostyle of the King

Nothing yet proved against Lobell.

That Somerset, with others would have preferred
Lobell the Apothecary to Prince Charles.

Apostyle of the King

Nothing to [charge] Somerset.

That the Countess laboured Forman and Gresham, the
conjurers, to enforce the Queen by witchcraft to favour
the Countess.

Apostyle of the King

Declared by Franklin after
condemnation.

That the Countess told Franklin that when the Queen
died, Somerset should have Somerset House.

Apostyle of the King

Nothing to [charge] Somerset.

That Northampton said the Prince [Henry], if ever he
came to reign, would prove a tyrant.

Apostyle of the King

That Franklin was moved by the Countess to go to the

Nothing to [charge] Somerset.

Palsgrave and should be furnished with money.

The particular reasons why I omit them, I have set in the margin; but the general is partly to do a kind of right to justice, and such a solemn trial, in not giving that in evidence, which touches not the delinquent, or is not of weight; and partly to observe your Majesty's direction, to give Somerset no just occasion of despair or flushes. But I pray your Majesty to pardon me, that I have troubled your Majesty with repeating them, lest you should hear hereafter, that Mr. Attorney has omitted divers material parts of the evidence.

Robert Carr, Viscount Rochester, 1st Earl of Somerset

May 25, 1616 (*Convicted & Pardoned*)

January 18, 1622 (*Released*)

PEERS PRESIDING

Earl of Worcester (Lord Privy Seal)

Earl of Pembroke (Lord Chamberlain)

The Earls of Rutland, Sussex, Montgomery and Hertford

Lord Viscount Lisle

Lord Zouch (Warden of the Cinque-ports)

Lord Willoughby of Eresby

Lord Delaware

Lord Dacres of the South

Lord Mounteagle (being sick departed before judgment)

Lord Wentworth

Lord Rich

Lord Willoughby of Parham

Lord Humsdon

Lord Russell (second day was absent)

Lord Compton

Lord Norris

Lord Gerrard

Lord Cavendish

Lord Dormer Thomas

Lord Ellesmere (Chancellor of England, Lord High-Steward)

ASSISTANT COMMISSIONERS

Sir Edward Coke (Lord Chief Justice of England)

Sir H. Hubbart (Lord Chief of the Common Pleas)

Sir L. Tanfield (Lord Chief Baron of the Exchequer)

Judge Altham (Baron of the Exchequer)

Judge Crooke (Judge of the King's Bench)

Judge Doderidge (Judge of the King's Bench)

Judge Houghton (Judge of the King's Bench)

Judge Nicholls (Judge of the Common Pleas)

THE COUNSEL

Sir Francis Bacon (King's Attorney General)

Serjeant Montague

Serjeant Crew

Sir Henry Yelverton (King's Solicitor)

Francis Moor (Queen's Serjeant)

Sir Lawrence Hyde (Queen's Attorney)

Mosley (Attorney of the dutchy)

Sir John Davis (King's Serjeant)

Mr. Walter (Prince Charles's Attorney)

Mr. Finch (Keeper of the Record of Attainders)

Serjeant Thomas Moor

Serjeant Finch

“Certainly, the least country gentleman in England would not have suffered for what the Earl of Somerset was condemned, and that, if his enemies had not being powerful, he would not have been found guilty; for there was no convincing proof against him, but only circumstances such as might serve in France for putting him to the question, which was not the custom of England. I express regret at witnessing the Earl delivered into the hands of his enemies.”

Compte de Marests (French Ambassador)

“Nothing can show a more inflexible regard to justice than all the King’s proceedings in the affair of Sir Thomas Overbury.”

Carte (Historian)

Chamberlain’s letter of the day, when Somerset’s trial began, gives us some flavour of how notorious it was; he writes the doors to the trial were opened to the spectators “from six in the morning;” he for one, “paid 10s” for his seat.⁶²⁸

Twenty-two Peers were nominated; among them will be found several individuals, holding Offices of State, as the Lord Privy Seal, Lord Chamberlain, and the Warden of the Cinque-ports who were all of the Villiers faction.

At the trial, Somerset’s “visage was pale, his beard long, his eyes sunk in his head;” perhaps this fatigue was due to the trial lasting from ten in the morning till ten at night. The accused denied everything charged against him and when pointed on the letters referred to have been written to Overbury, he said “they be counterfeited, and will not be brought to write whereby to show the conformity of the character, but that it is against the law that he should be put to it.”⁶²⁹ Somerset knew they were forged letters, because he had confessed on burning all his correspondence to Overbury. Upon this fact alone, it is hard to conceive Somerset’s trial lasted 12 hours.

We will give Bacon’s charges against Somerset below and insert our notes and evidence either for or against them as we found them through our research. It will be noticed, that Bacon followed a course he was told to follow, and dropped everything that had to do with Prince Henry’s death and the Spanish intrigues.

⁶²⁸ John Nichols, *Progresses*, Vol. III: Correspondence of Chamberlain to Carleton.

⁶²⁹ A.L. Rowse, *The Chamberlain Letters*, (London: John Murray, 1966).

We remind our readers, as they read the charges, that the King had already prepared Frances Howard's pardon including Somerset's. This meant, that whatever the outcome of the trial, Somerset and his wife would be released. Why bother going ahead with the trial, was just for the publics' satisfaction. We believe the King no longer wished to prosecute Somerset; but, it was too late. So not to give scandal more wings than it already had, he allowed for the trial to go ahead, only too confident nothing would come of it. A fact which Somerset also knew.

The Charge of Sir Francis Bacon, his Majesty's Attorney General
By way of Evidence before the Lord High Steward, and the Peers
Against Robert, Earl of Somerset
Concerning the Poisoning of Sir Thomas Overbury ⁶³⁰

It may please your Grace, my Lord High Steward of England, and you my Lords the Peers; you have here before you Robert, Earl of Somerset, to be tried for his life, concerning the procuring and consenting to the impoisonment of Sir Thomas Overbury, then the King's prisoner in the Tower of London, as an accessory before the fact.

I know your Lordships cannot behold this Nobleman, but you must remember his great favour with the King, and the great place that he has had and borne, and must be sensible that he is yet of your number and body, a Peer as you are; so as you cannot cut him off from your body but with grief; and therefore, that you will expect from us, that give in the King's evidence, sound and sufficient matter of proof to satisfy your honours and consciences.

And for the manner of the evidence also, the King our Master (who among his other virtues, excels in that virtue of the Imperial Throne, which is justice) has given us commandment that we should not expatiate nor make invectives, but materially pursue the evidence, as it conduces to the point in question; a matter that (though we are glad of so good a warrant) yet we should have done of ourselves; for far be it from us, by any strains of wit or art, to

⁶³⁰ *Baconiana*, 1679.

seek to play prizes, or to blazon our names in blood, or to carry the day otherwise than upon just grounds.

We shall carry the lantern of justice (which is the evidence) before your eyes upright, and be able to save it from being put out with any winds of evasions or vain defenses, that is our part; not doubting at all, but that this evidence in itself will carry that force, as it shall little need vantages or aggravations. My Lords, the course which I shall hold in delivering that which I shall say (for I love order) is this:

First, I will speak somewhat of the nature and greatness of the offence which is now to be tried, and that the King, however he might use this Gentleman heretofore as the signet upon his finger (to use the Scripture phrase) yet in this case could not but put him off, and deliver him into the hands of justice. Secondly, I will use some few words touching the nature of the proofs, which in such a case are competent. Thirdly, I will state the proofs; lastly, I will produce the proofs, either out of the examinations and matter in writing, or witnesses, *viva voce*.

[The witnesses Elwaies, Franklin, Weston, Turner, and Reeve were no longer available to defend themselves of what they had allegedly confessed to. Bacon did not state this, which he should have. The only witnesses Bacon could call could be the Monson brothers; Paul de Lobell (King's Apothecary); Théodore Mayerne (King's Court physician); servants to Somerset, Overbury, the Turners, and the King; Lidcott (Overbury's brother-in-law); Overbury's parents; George More; and, William Waad.]

For the offence [poisoning] itself, it is of crimes (next unto High Treason) the greatest; it is the foulest of felonies. And take this offence with the circumstances; it has three degrees or stages, that it is murder; that it is murder by impoisonment; that it is murder committed upon the King's prisoner in the Tower. I might say, that it is murder under the colour of friendship; but that is a circumstance moral, I leave that to the evidence itself.

For murder, my Lords, the first record of justice which was in the world was a judgment upon murder, in the person of Adam's first born, Cain; and though it were not punished by death,

but with banishment and mark of ignominy, in respect of the primogeniture, or of the population of the world, or other points of God's secret will, yet it was adjudged, and was (as I said) the first record of justice. So it appears likewise in Scripture, that the murder of Abner by Joab, though it were by David respited, in respect of great services past, or reason of state, yet it was not forgotten. But of this I will say no more. It was ever admitted, and so ranked in God's own tables, that murder is of offences between man and man (next to treason and disobedience of authority, which some divines have referred to the first table, because of the lieutenancy of God in Princes and fathers) the greatest.

For impoisonment, I am sorry it should be heard of in this Kingdom. It is not *nostrī generis nec sanguinis*; [of our race or blood;] it is an Italian crime, fit for the [royal] court of Rome, where that person that intoxicates the Kings of the earth with his cup of poison, in heretical doctrine, is many times really and materially intoxicated and poisoned himself. But it has three circumstances, which make it grievous beyond other murders: Whereof the first is that it takes a man in full peace; [unawareness;] in God's and the King's peace, he thinks no harm, but is comforting nature with refection and food, so that (as the Scripture said) his table is made a snare.

The second is that it is easily committed, and easily concealed; [ease of procuring poison and not detected upon death;] and on the other side, hardly prevented, and hardly discovered; for murder by violence, Princes have guards and private men have houses, attendants, and arms. Neither can such murders be committed but *cum sonitu*, [with sound,] and with some overt and apparent act, that may discover and trace the offender. But for poison, the said cup itself of Princes will scarce serve, in regard of many poisons that neither discolour nor distaste; and so pass without noise [reaction] or observation.

[Bacon's explanation above on poison and how easy it was in their times to poison someone and not be detected, should have given enough incentive for a King to investigate his son's premature death which was screaming to have been by poison. But he did not. It is therefore ironic that this King requested Bacon state what he was now blowing in Somerset's face.]

And the last is, because it contains not only the destruction of the malice man, but of any other: *Quis modo tutus erit?* [Who will be safe?] For many times the poison is prepared for one, and is taken by another, so that men die other men's deaths; *concidit infelix alieno vulnere*; [unhappily falls another's blow;] and it is as the Psalm calls it, *sagitta nocte volans*; [the arrow that flies by night;] it has no aim or certainty.

Now for the third degree of this particular offence, which is, that it was committed upon the King's prisoner, [Overbury,] who was out of his own defense, and merely in the King's protection, and for whom the King and State was a kind of respondent, it is a thing that aggravates the fault much. For certainly (my Lord of Somerset) let me tell you this, that Sir Thomas Overbury is the first man that was murdered in the Tower of London, since the murder of the two young Princes.

For the nature of the proofs, your Lordships must consider, that impoisonment of offences is the most secret; so secret, as if in all cases of impoisonment you should require testimony, you were as good proclaim impunity. I will put book-examples. Who could have impeached Livia by testimony of the impoisoning of the figs upon the tree, which her husband was wont, for his pleasure, to gather with his own hands? Who could have impeached Parisatis for the poisoning of one side of the knife that she carved with, and keeping the other side clean? So that herself did eat of the same piece of meat that the Lady did that she did poison?

The cases are infinite (and indeed not fit to be spoken of) of the secrecy of impoisonments; but wise triers [poisoners] must take upon them, in these secret cases, Solomon's spirit, that where there could be no witnesses, collect the act by the affection. But yet we are not to come to one case, for that which your Lordships are to try, is not the act of impoisonment (for that is done to your hand) all the world by law is concluded, but to say that Overbury was impoisoned by Weston.

[What Bacon says in regards to the Judges charging and finding Weston guilty of poisoning Overbury, was incorrect; no charge against Weston was based on evidence; it was based on hearsay and Coke's exquisite assumptions.]

But the question before you is of the procurement only and of the abetting (as the law terms it) as accessory before the fact, which abetting is no more, but to do or use any act or means, which may aid or conduce unto the impoisonment. So that it is not the buying or making of the poison, or the preparing, or confecting, or commixing of it, or the giving or sending, or laying the poison, that are the only acts that do amount unto abetment; but if there be any other act or means done or used, to give the opportunity of impoisonment, or to facilitate the execution of it, or to stop or divert any impediments that might hinder it, and this be with an intention, to accomplish and achieve the impoisonment. All these are abetments, and accessories before the fact.

I will put you a familiar example. Allow there be a conspiracy to murder a man as he journeys by the ways and it be one man's part to draw him forth to that journey by invitation, or by colour of some business; and another takes upon him to dissuade some friend of his, whom he had a purpose to take in his company, that he be not too strong to make his defense, and another has the part to go along with him, and to hold him in talk till the first blow be given. All these, my Lords without scruple are abettors to this murder, though none of them give the blow, nor assist to give the blow.

[What Bacon explains in the above tale, surely makes King James also an abettor to Overbury's death as he himself noted in his letter to George More: "If therefore I should have stripped the course of justice against him [Somerset] in this case of Overbury, who was committed to the Tower, and there kept a close prisoner by my commandment, and could not have been so murdered if he had not been kept close, I might have been thought to be the author of that murder, and so be made odious to all posterity."⁶³¹]

My Lords, he is not the hunter alone that lets slip the dog upon the deer, but he that lodges the deer, or raises him, or puts him out, or he that sets a toil that he cannot escape, or the like. But this my Lords [has] little needs in this present case, where there is such a chain of acts of impoisonment as has been seldom seen, and could hardly have been expected, but that greatness of fortune makes commonly grossness in offending.

⁶³¹ A. Amos, *Great Oyer of Poisoning*, (London: Richard Bentley, 1846): The King to George More, December 29, 1615.

To descend to the proofs themselves, I shall keep this course. First, I will make a narrative or declaration of the fact itself. Secondly, I will break and distribute the proofs, as they concern the prisoner. And thirdly, according to that distribution, I will produce them, and read them, or use them. So that there is nothing that I shall say, but your Lordship (my Lord of Somerset) shall have three thoughts or cogitations to answer it: First, when I open it, you may take your aim; secondly, when I distribute it, you may prepare your answers without confusion; and lastly, when I produce the witnesses or examinations themselves, you may again ruminare and re-advise how to make your defense. And this I do the rather, because your memory or understanding may not be oppressed or over laden with length of evidence, or with confusion of order. Nay more, when your Lordship shall make your answers in your time, I will put you in mind (when cause shall be) of your omissions.

First therefore, for the simple narrative of the fact: Sir Thomas Overbury, for a time was known to have had great interest and great friendship with my Lord of Somerset, both in his meaner fortunes, and after; insomuch as he was a kind of oracle of direction unto him; and if you will believe his own vaunts (being of an insolent thrasonical disposition) he took upon him, that the fortune, reputation, and understanding of this Gentleman (who is well known to have had a better teacher) [the King] proceeded from his company and counsel.

And this friendship rested not only in conversation and business of court, but likewise in communication of secrets of Estate. For my Lord of Somerset, at that time, exercising (by his Majesty's special favour and trust) the office of the Secretary provisionally, did not forbear to acquaint Overbury with the King's packets of dispatches from all parts: Spain, France, the Low Countries, etc. And this, not by glimpses or now and then rounding in the ear for a favour, but in a settled manner. Packets were sent, sometimes opened by my Lord, sometimes unbroken unto Overbury, who perused them, copied, registered them, made tables of them as he thought good, so that I will undertake, the time was, when Overbury knew more of the secrets of State, than the Council table did.

[Somerset had answered upon the above: "For the great trust and communication of secrets between Overbury and me, and for the extracts that he took of Ambassadors' letters, I confess this; I knew his ability, and what I did was by the King's commission."]

Nay, they were grown to such an inwardness, as they made a play of all the world besides themselves: so as they had ciphers and jargons for the King, the Queen, and all the great men; things seldom used, but either by Princes and their Ambassadors and Ministers, or by such as work and practice against, or at least upon Princes.

[In Somerset's arraignment, Bacon had wrote: "That your Majesty was called *Julius* in respect of your empire; the Queen *Agrippina*, though Somerset now says it was *Livia*, and that my Lady of Suffolk was *Agrippina*; The Bishop of Canterbury was *Unctius*; Northampton was *Dominic*; Suffolk, first *Lerma*, after *Wolsey*; and many others; so as it appears they made a play both of your court and kingdom; and that their imaginations wrought upon the greatest men and matters."]

But understand me (my Lord [Somerset]) I shall not charge you this day with any disloyalty; only I lay this for a foundation, that there was a great communication of secrets between you and Overbury, and that it had relation to matters of Estate, and the greatest causes of this Kingdom.

[Somerset was being prepared, perhaps secretly, for another trial of High Treason, since Bacon said he would not charge Somerset this day for "disloyalty" and only laid it "for a foundation," which would be used against Somerset in a future trial. If Bacon knew that such a trial would never occur, we do not know. This plot was played out where the left hand did not know what the right hand was doing.]

But (my Lords) as it is a principle in nature, that the best things are in their corruption the worst; and the sweetest wine makes the sharpest vinegar, so fell it out with them, that this excess (as I may term it) of friendship, ended in mortal hatred on my Lord of Somerset's part. For it fell out, some twelve months [April 1612] before Overbury's imprisonment in the Tower [on April 30, 1613,] that my Lord of Somerset was entered into an unlawful love towards his unfortunate Lady, then Countess of Essex; which went so far, as it was then secretly projected (chiefly between my Lord Privy Seal and my Lord of Somerset) to effect a nullity in the marriage with my Lord of Essex, and so to proceed to a marriage with Somerset.

[Bacon is wrong in what he states above. Somerset had met Frances Howard by 1611 and was already chasing after her when Overbury returned from abroad at this time. As a consequence, Overbury had undertaken all of Somerset's business which was neglected.]

This marriage and purpose did Overbury mainly oppugn, under pretence to do the true part of a friend (for that he counted her an unworthy woman) but the truth was, that Overbury, who (to speak plainly) had little that was solid for religion or moral virtue, but was a man possessed with ambition and vain glory, was loth to have any partners in the favour of my Lord of Somerset, and especially not the house of the Howards, against whom he had always professed hatred and opposition.

So all was but miserable bargains of ambition. And (my Lords) that this is no sinister construction, will well appear unto you, when you shall hear that Overbury makes his brags to my Lord of Somerset, that he had won him the love of the Lady by his letters and industry; so far was he from cases of conscience in this matter. And certainly (my Lords) howsoever the tragical misery of that poor gentleman Overbury ought somewhat to obliterate his faults, yet because we are not now upon point of civility, but to discover the face of truth to the face of justice, and that it is material to the true understanding of the state of this cause, Overbury was naught and corrupt, the ballads must be amended for that point.

But to proceed. When Overbury saw that he was like to be dispossessed of my Lord here, whom he had possessed so long, and by whose greatness he had promised himself to do wonders; and being a man of an unbounded and impetuous spirit, he began not only to dissuade, but to deter him from that love and marriage; and finding him fixed, thought to try stronger remedies, supposing that he had my Lord's head under his girdle, in respect of communication of secrets of Estate, or (as he calls them himself in his letters, secrets of all natures) and therefore dealt violently with him, to make him desist, with menaces of discovery of secrets, and the like.

[Notice Bacon's motive given above for Overbury's destruction; he outright blames jealousy. But this turns out not to be true. We proved in this research that Overbury held a powerful secret over Somerset, and vice versa: The death of Prince Henry. In order

Overbury guarantee himself with some safety, he breaks into Somerset's chambers at Whitehall and removes all the documents that could either hint Overbury's fatal advice to rid them of the Prince, or of Somerset's involvement. From here onwards, some type of blackmail began, and this is crystal clear as we proved in this research. Once Somerset had acquired these documents from Overbury, he advises the latter to go ahead with the imprisonment not to incense the King further, and he would do his best to get him released within a fortnight. This is what happened and was shown through Overbury's correspondence to Somerset which has been introduced in this work.]

Hereupon grew two streams of hatred upon Overbury; the one from the Lady, in respect that he crossed her love, and abused her name, which are furies to women; the other of a deeper and more mineral nature from my Lord of Somerset himself; who was afraid of Overbury's nature, and that if he did break from him and fly out, he would mine into him, and trouble his whole fortunes.

I might add a third stream from the Earl of Northampton's [Henry Howard's] ambition, who desires to be first in favour with my Lord of Somerset, and knowing Overbury's malice to himself, and his house, thought that man must be removed and cut off. So it was amongst them resolved and decreed, that Overbury must die.

Hereupon they had variety of devices. To send him beyond sea, upon occasion of employment, that was too weak; and they were so far from giving way to it, as they crossed it. There rested but two ways, quarrel or assault and poison. For that of assault, after some proposition and attempt, they passed from it; [Bacon refers to David Woods's case;] it was a thing too open, and subject to more variety of chances. That of poison likewise was a hazardous thing, and subject to many preventions and cautions, especially to such a jealous and working brain as Overbury had, except he were first fast in their hands. Therefore the way was first to get him into a trap, and lay him up, and then they could not miss the mark.

Therefore ill execution of this plot, it was devised, that Overbury should be designed to some honourable employment in foreign parts, and should under-hand by the Lord of Somerset be

encouraged to refuse it; and so upon that contempt he should be laid prisoner in the Tower, and then they would look he should be close enough, and death should be his bail.

Yet were they not at their end. For they considered, that if there was not a fit Lieutenant of the Tower for their purpose, and likewise a fit under-keeper of Overbury, first, they should meet with many impediments in the giving and exhibiting the poison; secondly, they should be exposed to note and observation, that might discover them; and thirdly, Overbury in the meantime might write clamorous and furious letters to other his friends, and so all might be disappointed.

[Bacon's explanation above, as to why the changes were made in the Tower staff when Overbury arrived on April 30, 1613, is weak. He says the changes were made so Overbury could not write "clamorous and furious letters" to his friends. As we saw, all of Overbury's letters from the Tower were sent out of the Tower either in "tarts" or by Weston's assistance. When the King heard of this correspondence to and fro the Tower, by an individual called Dr. Andrew, he sent Thomas Monson to deal with the matter. When the tarts were stopped, Overbury had Weston handle the delivering of correspondence by hand.]

And therefore the next link of the chain, was to displace the then Lieutenant Waad, and to place Elwaies, a principal better in the impoisonment. Again, to displace Cary, that was the under-keeper in Waad's time, and to place Weston, who was the principal actor in the impoisonment; and this was done in such a while (that it may appear to be done, as it were with one breath) as there were but fifteen days between the commitment of Overbury, the displacing of Waad, the placing of Elwaies, the displacing of Cary the under-keeper, the placing of Weston, and the first poison given two days after.

[Bacon's evaluation of the dates above is incorrect: He says that the changes were made "but fifteen days between the commitments of Overbury" until "the first poison given two days after." We remind our readers of the factual dates of events in the following list:

April 30, 1613: Overbury enters the Tower as prisoner

April 30 - May 13, 1613: Waad is Lieutenant

May 6, 1613: Weston allegedly gives Overbury the first poison

May 8, 1613: Weston placed as “under-keeper”

May 9, 1613: Weston allegedly gives Overbury the second poison

May 13, 1613: Waad removed

Ten day gap - The Tower is without a Lieutenant

May 23, 1613: Elwaies enters the Tower as Lieutenant]

Then when they had this poor Gentleman in the Tower close prisoner, where he could not escape nor stir; where he could not feed but by their hands, where he could not speak nor write but through their trunks; then was the time to execute the last act of this tragedy.

[In the above statement, Bacon contradicts himself. Earlier, he told us that Overbury had no means of writing anything and this was because of the changes made of the staff in the Tower. He says the changes were made so Overbury could not write “clamorous and furious letters” to his friends; he now contradicts himself by saying Overbury could not “write but through their trunks.”]

Then must Franklin be purveyor of the poisons, and procure five, six, seven several potions to be sure to hit his complexion.

[Franklin, on his examination in November 16, 1615, had said: “Mrs. Turner came to me from the Countess [Frances Howard] and wished me from her to get the strongest poison I could for Overbury. Accordingly, I bought seven: *Aqua fortis*, [acid,] white *arsenic*, Mercury, powder of diamonds, *lapis costitus*, great spiders, and *cantharides*; all were given to Overbury all several times.” We are not told by Franklin when these poisons were given to Overbury; Weston did not give them and neither did Elwaies. This was not mentioned by Bacon.]

Then must Mrs. Turner be the say-mistress of the poisons to try upon poor beasts, what’s present, and what works at distance of time! Then must Weston be the tormentor, and chase him with poison after poison, poison in salts, poison in meats, poison in sweetmeats,

poison in medicines and vomits, until at last his body was almost come, by use of poisons, to the state that Mithridate's body was by the use of treacle and preservatives, that the force of the poisons were blunted upon him. Weston confessing, when he was chide [scolded] for not dispatching him, that he had given him enough to poison twenty men.

[What Bacon says above, is not true. Weston never confessed willingly to have given any type of poison to Overbury. This was hearsay and assumption presented by Coke.]

Lastly, because all this asked [requested] time, courses were taken by Somerset both to divert all means of Overbury's delivery, and to entertain Overbury by continual letters, partly of hopes and projects for his delivery, and partly of other fables and negotiations; somewhat like some kind of persons (which I will not name) which keep men in talk of fortune telling, when they have a felonious meaning. And this is the true narrative of this act of impoisonment, which I have summarily recited.

[We do not have Somerset's letters to Overbury; that letters were sent there can be no doubt. Since Bacon mentions these letters in May 25, 1616, they must have existed at this time; when they vanished, we do not know. But Somerset stated that the letters were forgeries, and he could prove this because he then said all his correspondence to Overbury he burnt himself.]

Now for the distribution of the proofs, there are four heads of proofs to prove you guilty (my Lord of Somerset) of this impoisonment; whereof two are precedent to the impoisonment, the third is present, and the fourth is following or subsequent.

For it is in proofs, as it is in lights; there is a direct light and there is a reflection of light, or back-light.

The first head or proof thereof is, that there was a root of bitterness, a mortal malice or hatred, mixed with deep and bottomless fears that you had towards Sir Thomas Overbury. The second is, that you were the principal actor, and had your hand in all those acts, which did conduce to the impoisonment, and which gave opportunity and means to effect it; and

without which the impoisonment could never have been, and which could serve or tend to no other end, but to the impoisonment. The third is, that your hand was in the very impoisonment itself, which is more than needs to be proved; that you did direct poison that you did deliver poison, that you did continually hearken to the success of the impoisonment and that you spurred it on, and called for dispatch, when you thought it lingered. And lastly, that you did all the things after the impoisonment, which may detect a guilty conscience for the smothering of it, and avoiding punishment for it, which can be but of three kinds.

That you suppressed, as much as in you was, testimony; that you did deface, and destroy, and clip, and misdate all writings that might give light to the impoisonment; and that you did fly to the altar of guiltiness, which is a pardon, and a pardon of murder, and a pardon for yourself, and not for your Lady.

[Bacon charging Somerset with destroying correspondence in the Overbury case is ironic; the King also destroyed such correspondence which was found to belong to Henry Howard.]

In this (my Lord) I convert my speech to you, because I would have you attend the points of your charge, and so of your defense the better. And two of these heads have taken to myself, and left the other two to the King's two Serjeants.

For the first main part, which is the mortal hatred coupled with fear, that was in my Lord of Somerset towards Overbury, although he did palliate it with a great deal of hypocrisy and dissimulation even to the end; I shall prove it (my Lord Steward, and you my Lords and Peers) manifestly, by matter both of oath and writing. The root of this hatred was that that had cost many a man's life; that is, fear of discovering secrets. Secrets (I say) of a high and dangerous nature; wherein the course that I will hold shall be this.

First, I will show that such a breach and malice was between my Lord and Overbury, and that it burst forth into violent menaces and threats on both sides.

Secondly, that these secrets were not light, but of a high nature, for I will give you the elevation of the pole. They were such as my Lord of Somerset for his part had made a vow that Overbury should neither live in court nor country. That he had likewise opened himself, and his own fears so far, that if Overbury ever came forth of the Tower, either Overbury or himself must die for it. And of Overbury's part, he had threatened my Lord, that whether he did live or die, my Lord's shame should never die, but he would leave him the most odious man of the world. And further that my Lord was like enough to repent it, in the place where Overbury wrote, which was the Tower of London. He was a true prophet in that. So here is the height of the secrets.

Thirdly; I will show you that all the King's business was by my Lord put into Overbury's hands; so as there is work enough for secrets, whatsoever they were. And like Princes' confederates, they had their ciphers and jargons.

And lastly; I will show you that it is but a toy to say that the malice was only in respect he spoke dishonourably of the Lady; or for doubt of breaking the marriage. For that Overbury was a coadjutor to that love, and the Lord of Somerset was as deep in speaking ill of the Lady, as Overbury.

[Somerset answered upon the above charges as follows: "For other secrets, there were never any betwixt us. And for his fashion of braving both in words and writing, there was none that knew it better, nor feared it less than myself. At that time he was in disgrace with the Queen, ⁶³² and for that cause was enforced for a time to absent himself from Court, and this was for some particular miscarriage of his towards her Majesty; and though I laboured his reconciliation and return, yet he, with main violent terms, laid the cause of his disgrace upon me. And another time my Lord of Salisbury [Cecil] sent for him, and told him, that, if he would depend upon his favour, he would presently help him with a suit that should benefit him £2,000, which presently Overbury, coming to me, told me of; to which I answered, he did not need to rely upon anybody but me; and that, if he would, he might command my purse, and presently have more than that; and so he had.

⁶³² Somerset was referring to the time when Overbury laughed under Queen Anne's window.

And yet afterwards, upon some causeless discontent, in a great passion, he said that his love to me had put him out of my Lord of Salisbury's favour, and made him lose £2,000.”]

And again, it was too late for that matter, for the bargain of the match was then made and past. And if it had been no more but to remove Overbury from disturbing of the match, it had been an easy matter to have banded over Overbury beyond seas, for which they had a fair way; but that would not serve their turn. And, *periculum periculo vincitur*, to go so far as an impoisonment must have a deeper malice than flashes, for the cause must bear a proportion to the effect.

[Somerset answered on the above: “Whereas it was urged that I caused him to refuse the employment [to Russia] that was imposed upon him; it is not so, for I was very willing he should have undertaken it, but he [did] not. My Lord of Canterbury [Archbishop Abbott] moved him to it, but not without my privity; for I should have been glad to have removed him, both in respect of my marriage and his insolence. But Overbury came to me, and said, ‘I will tell Sir Dudley Digges I will undertake this embassy, that he may so return answer to my Lord of Canterbury; but then you must write to me not to do so, and so take it upon you.’”

We remind our readers what happened on this occasion: The King, after being cajoled by Thomas Howard who was *Libels* into believing that his favourite was being ruled by Overbury and likewise the favourite ruled his Majesty, first sends the Archbishop Abbott to lay before Overbury some Ambassadorship position overseas; Overbury declined. Not long after, the King sends Thomas Howard and Pembroke to offer the Ambassador position to Overbury and tell him he was to set sail for Russia the sooner the better.]

For the next general head of proofs, which consists in acts preparatory to the middle acts, they are in eight several points of the compass, as I may term it. First; that there were devices and projects to dispatch Overbury, or to overthrow him, plotted between the Countess of Somerset, the Earl of Somerset, and the Earl of Northampton, [Henry Howard] before they fell upon the impoisonment; for always before men fix upon a course of mischief, there be some rejections; but die he must one way or other.

Secondly, that my Lord of Somerset was principal practicer (I must speak it) in a most perfidious manner, to set a train or trap for Overbury to get him into the Tower; without which they never durst [dared] have attempted the impoisonment.

Thirdly, that the placing of the Lieutenant Elwaies, one of the impoisoners, and the displacing of Waad, was by the means of my Lord of Somerset.

Fourthly, that the placing of Weston the under-keeper, who was the principal impoisoner, and the displacing of Cary, and the doing of all this within fifteen days after Overbury's commitment, was by the means and countenance of my Lord of Somerset. And these two were the active instruments of the impoisonment, and this was a business that the Lady's power could not reach unto.

Fifthly, that because there must be a time for the tragedy to be acted, and chiefly because they would not have the poisons work upon the sudden, and for that the strength of Overbury's nature, or the very custom of receiving poison into his body, did overcome the poisons that they wrought not so fast, therefore Overbury must be held in the Tower. And as my Lord of Somerset got him into the trap, so he kept him in, and abused him with continual hopes of liberty; and diverted all the true and effectual means of his liberty, and made light of his sickness and extremities.

Sixthly, that not only the plot of getting Overbury into the Tower, and the devices to hold him and keep him there, but the strange manner of his close keeping (being in but for a contempt) was by the device and means of my Lord of Somerset, who denied his father to see him, denied his servants that offered to be shut up close prisoners with him, and in effect handled it so, that he was close prisoner to all his friends, and open and exposed to all his enemies.

Seventhly, that the advertisement which my Lady received from time to time, from the Lieutenant [Elwaies] or Weston, touching Overbury's state of body or health, were ever sent up to the court, though it were in progress, and that from my Lady such a thirst and listening this Lord had to hear that he was dispatched.

Lastly, there was a continual negotiation to set Overbury's head on work, that he should make some recognition to clear the honour of the Lady; and that he should become a good instrument towards her and her friends; all which was but entertainment, for your Lordships shall plainly see divers of my Lord of Northampton's letters (whose hand was deep in this business) written (I must say it) in dark words and clauses; that there was one thing pretended, another intended; that there was a real charge, and there was somewhat not real; a main drift and a dissimulation.

Nay further, there be some passages which the Peers in their wisdom will discern to point directly at the impoisonment.

After all was presented, all Judges found Somerset guilty of the felony, as accessory before the fact, of the willful poisoning and murder of Sir Thomas Overbury, and his judgment announced: "Robert, Earl of Somerset, whereas thou hast been indicted, arraigned, and found guilty, as accessory before the fact, of the willful poisoning and murder of Sir Thomas Overbury, you are therefore to be carried from hence to the Tower, and from thence to the place of execution, where you are to be hanged till you be dead. And the Lord have mercy upon you."

The Lord Steward broke his staff, the Court dissolved, and the prisoner was carried away. And that is how Somerset's trial was concluded.

Even though statements, confessions, and so-called "evidence" were presented, nothing pointed a direct finger to Somerset's guilt, in the sense of the word, which could have caused Overbury's death. Everything was based on conjecture which Somerset managed to brush away with a word or two. Most importantly, Somerset had been guaranteed a King's pardon, and no doubt had secured this guarantee so he not have the same fate which Weston had: "The King, in great secrecy, to renew his former assurances in a form coming, still nearer to a promise, sent private messengers to Somerset in a continual state."⁶³³

Part of the evidence which concerned Mayerne, Lobell, and Reeve, "had been suppressed;" Dixon writes; "and the Court could not prove Somerset's guilt unless that

⁶³³ Sir Anthony Welldon, *The Court and Character of King James I*, (1650).

evidence were produced. Bacon was very skilful; but his proofs were vague and incomplete. The long May Day wore out in speeches which divided and perplexed the public; and when the torchmen entered with their lights, the darkness in the street was not more evident than the darkness in the hall of justice. Ellesmere asked for a verdict, and broke his staff; but when Somerset went back to the Tower that night, no one could say that he was guilty of the murder, though everyone knew that he had been condemned to die.”⁶³⁴

On June 7, 1616, Alex Williams to Carleton writes: “The execution of the Earl of Somerset is daily looked for. A crowd assembled at Tower Hill on Monday, expecting it.”⁶³⁵ And on June 12th, Edward Sherburn writes to Carleton that “Sir Robert Cotton, and the servants of the Earl and Countess of Somerset, are released.”⁶³⁶

Sir Ralph Winwood to Sir George More

Sir Thomas Monson's imprisonment to be relaxed

(June 18, 1616)⁶³⁷

His Majesty is graciously pleased that Sir Thomas Monson, now prisoner in the Tower, by reason of the long vacation, should have some release of his close imprisonment, both to enjoy more freedom of the air, and to have liberty to confer with such as shall have occasion to repair unto him, in the presence of the Lieutenant, or some such person as shall be deputed by him. For which this shall be your warrant.

Sir Ralph Winwood

Chamberlain confirms that Somerset also “had the liberty of the Tower granted him; and Henrickson and his wife had the fortune to see him with his Garter and George about his neck, walking and talking with the Earl of Northumberland, and he and his Lady saluting at the window.”

By August 24, 1616, Somerset and his wife “have full liberty of the Tower and converse freely together both by day and night, and the Earl of Northumberland is much in their company, framing himself altogether to be friendly and sociable.”⁶³⁸

⁶³⁴ William Hepworth Dixon, *Her Majesty's Tower*, Vol. II., (London: Hurst & Blackett, 1870).

⁶³⁵ State Papers, James I., Dom.

⁶³⁶ Ibid.,

⁶³⁷ A.J. Kempe, *The Loseley Manuscript*, (London: John Murray, Albemarle Street, 1836).

⁶³⁸ A.L. Rowse, *Chamberlain Letters*, (London: John Murray, 1966).

To divert the public's outrage against the State in seeing Somerset and his wife's liberty, the plague began to rage in the city of London on December 5, 1616, and ended a week later.⁶³⁹

A year later, on June 4, 1617, Chamberlain tells us how "a great falling out of late 'twixt the Earl of Somerset and his Lady in the Tower, but it is not yet so public that I can learn the original or particulars;" and by October 14, 1618, "they were upon parting."

⁶³⁹ Calendar of the Cecil Papers in Hatfield House, Volume 22: 1612-1668.

EPILOGUE

As to a few riddles that remain unanswered they can be discussed in this section. The first of many irregularities, untruths, and riddles which envelope this case, is when the Jacobean government reported Overbury's death by poison was discovered in 1615, two years after his death. The compendium of records held at the Tower, compiled by Arthur Agarde, has Overbury's death registered as follows:

"Sir Thomas Overbury prisoner, poysoned; buried the XV of Sept." ⁶⁴⁰

This registry is of paramount consideration since it has never been altered or tampered with since September 15, 1613, when Overbury's death was registered. "It is interesting to note, that the word 'poysoned' is deliberately used in the register, and there seems little doubt that such was the case. Yet it was a bold entry to make, considering the powerful influences it would certainly offend." ⁶⁴¹

The pressing question is why was this registry not touched upon at the time, in regards to Overbury's cause of death? The prisoner was "in the King's protection, and for whom the King and State was a kind of respondent, it is a thing that aggravates the fault much," Bacon so well explained in the indictment against Somerset.

The death registry was suppressed by the government from public viewing in 1613 "considering the powerful influences it would certainly offend;" and this was accomplished under the King's command. He screens his bosom favourite from this "bold entry" and removes that screen during the summer months of 1614 when the Poison Powder plot is being weaved. This answer we give is based on evidence produced in this research, which showed the character and mannerisms in which King James governed his Household and Royal Court.

It is not coincidental that this Sovereign has constantly been termed with having the "King's Craft," which in today's terms, could be meant to be like keeping little secrets to be brought forward and used against those in later days he needed to remove; especially if we

⁶⁴⁰ Compendium of records held at the Tower compiled by Arthur Agarde. Repository Hatfield House Library and Archives Record Reference, 1850. NRA catalogue reference: NRA 32925 Gascoyne-Cecil.

⁶⁴¹ Major-General Sir George Younghusband, *The Tower from Within*, (London: Herbert Jenkins, 1919).

consider how James would put a condition on himself never to attach “to a man who was truly great,” since this allowed for that favourite to be in total control during their life with James and easily manipulated after they had fallen from royal favour.

Weston refused to plead his case at his trial as we noted early in this research. No one could have blamed Weston for not pleading his case; from his examinations, he was not guilty of anything more than suspecting Overbury was being poisoned by “waters,” “jellies,” and “tarts.” One may ask questions:

If Weston did not administer the poisonous food and drinks, then who did poison Overbury?

If Overbury was poisoned, what was used? The “white powder,” which Weston never received? The alleged poisonous clyster that no Apothecary administered the night the prisoner died?

If one wishes to take it further, we could also puzzle ourselves over Overbury’s pardon to be released in August 1613, to which his letters verify for us and if this pardon actually took place; Greville did produce a letter, supposedly coming from Overbury around December 1613 upon hearing of Somerset’s marriage to the Howard woman. In addition, Elwaies wrote that he did not see Overbury’s body being wrapped up for burial; and, in Secretary Winwood’s correspondence, it states that Lidcott was not allowed Overbury’s body for burial. The only individuals who testified to seeing Overbury’s body, was a man who had been Coroner in the Mary Woods case and when someone was called to wrap the body. Lobell of course was also called.

The first two had never seen Overbury by sight before; they could have testified to seeing someone who was covered in blisters and would not have questioned who they were being told the body belonged to. As to Lobell, he was a creature of the King’s and would have testified to any type of statement given to him.

Only two letters were sent from Overbury to Somerset in the month of September 1613, the month he allegedly dies. The first letter shows Overbury’s disbelief that he is still a close prisoner; the second letter has some words on the back of the letter in Coke’s handwriting, “copy Overbury letter to Roch[ester].” When one notices the difference in style and mannerism of Coke’s letter presented as Overbury’s, it is striking to say the least.

We give Overbury's final letter again from the Sloane manuscripts, which we believe was the one and only one written from Overbury in September 1613; Coke's letter we believe was created for the public and to be presented against Somerset at his trial.

Sir Thomas Overbury to the Earl of Somerset

(September 1613)⁶⁴²

Though you may not take notice directly, yet you may say, 'Sir, after so many promises you will not deal indirectly with me. I should be sorry to see that in your disposition.' Then say, 'Sure you have been abused in some tale; in that, you will find yourself pitifully abused.' So, far off, you may shame him out.

What censure had Ramsey here? What censure had *Pierpoint* [Sir William Waad] for the key? O, this is strange! You must arm the two Lords with these particulars, especially those public partialities of Du; [Duke of Lenox]; Max; [Maxwell]; Ramsey. If this fail, there is no way left but immediately upon the refusal and breach of promise.

To [sickness trick] for a week. That is the last refuge, and your reason is honest, for my fever grows so upon me anew that by God, if you leave me here a week longer, I think I shall never see you more; for the fever will never leave me while I am here.

Did Somerset finally get Overbury released, and transferred to another country to be out of sight and out of mind? Was this one of those secrets which Somerset also gambled with to acquire a pardon from the King, since Overbury's release could not have happened if the King did not order it? Was this also known to Monson who had access to the Tower?

The King could gamble secrets so they be buried; he had a list of over 180 individuals who had been traitors in receiving Spanish pensions. For those who knew of Overbury's liberty, and who were on such a list (Monson's brother being one of them) the King easily could gamble with their liberty for their silence; and, they would, without exception, have agreed to keep Overbury's release and banishment from England as secretive.

⁶⁴² Harl. MS., 7002, fol. 281.

A letter written from Overbury in December 1613, when Somerset's marriage was announced, should be noticed. Overbury begins this letter by writing "concerning my present delivery;" this tells us that Overbury did not write this letter from the Tower, but had already been released. Further in his letter, he tells us that though he remains "possessed of a dangerous disease," and does not believe Somerset has forgotten him where he is, he requests his "speedy delivery" which could be in returning back to England, to "partake of the felicity of the open air." Perhaps Overbury, when writing this letter, was on a galleon, travelling even further away from England, and is nostalgic of England's "open air."

Sir Thomas Overbury to the Earl of Somerset

(December 26, 1613) ⁶⁴³

Right noble and worthy Sir,

The former accustomed favours, and absolute promise, concerning my present delivery, have caused me at this time, by these lines, to solicit your Lordship, and to put you in remembrance of the same, not doubting, that your Honour is at all forgetful of me, but only, by reason of my imprisonment, being possessed of a dangerous disease, would, for my body's safety, partake of the felicity of the open air. In which case, if your Lordship please to commiserate my present necessities, and procure me my speedy delivery, I shall not only stand so much the more obliged, but also acknowledge you the defender and preserver of my life.

T. OVERBURY

We have now come to the end of our research on Overbury's death and all that were entailed in it. Perhaps if we did not know the character of King James so well, and had not studied previous plots contrived in his life, we may probably have arrived at the same conclusion as Macintosh and other researchers, which was puzzlement of what the Overbury case was all about.

However, we believe this puzzlement researchers and writers have is due only to their partial research of the case and not in its entirety, which must begin from the very moment when the plot begins in 1611 until the very end of it in 1616.

⁶⁴³ Fulke Greville, *The five years of King James*, (London: W.R., 1643).

We can say that King James wished this plot to go down in posterity as his discovery, as “a sign of God’s favour” towards him as the Gunpowder plot of November 5, 1605; and, it is not accidental that Prince Henry’s death came one day longer than November 5th; only a day earlier and that death would have guaranteed with more security that Overbury’s death was a “sign of God’s favour towards his Majesty.”

In this, King James must have been spiteful to those who had orchestrated the Powder Poison: Royal Plot.



Anne of Denmark (1574-1619), Queen of James I; King Charles I (1600-1649) reigned 1625-49; Elizabeth, Princess Palatinate (1618-1680), Daughter of Frederick V, King of Bohemia; Frederick V, King of Bohemia (1596-1632), Calvinist son-in-law of James I; Prince Frederick Henry (1614-1629), Eldest son of Frederick V and Elizabeth of Bohemia; Henry, Prince of Wales (1594-1612), Eldest son of James I; King James I of England and VI of Scotland (1566-1625), Reigned, Scotland from 1567, England 1603-25; Prince Louis (circa 1624-circa 1625), Son of Frederick V and Elizabeth of Bohemia; Princess Louisa Hollandina (1622-1709), Daughter of Frederick V and Elizabeth of Bohemia; Princess Mary (1605-1607), Daughter of James I; Prince Maurice (1620-1652), Son of Frederick V, Elector of the Palatine, and Elizabeth of Bohemia; daughter of James I; Prince Charles Louis, Count Palatine (1617-1680), Second son of Elizabeth, Queen of Bohemia; Prince Rupert, Count Palatine (1619-1682), Soldier and patron of science; Princess Sophia (1607-1607), Daughter of James I.

“It has been written to prove that the real procurer of the murder of Sir Thomas Overbury was King James himself; that the instrument he employed for the purpose was Théodore Mayerne (Court physician); that the Countess of Somerset was also engaged at the same time in an ineffectual attempt to poison Overbury; that the King, hearing of this some two years after, determined to make her and her agents his own scapegoats; that accordingly he employed Coke and Bacon to get up a case against them, and manage the prosecution so as by fair means or foul, to ensure a conviction; that he or they then employed a clergyman [Dr. Whiting] to betray the victims into fake confessions of their own guilt, and published to the world false reports of those confessions, as well as an official account of the trial in which the truth was misrepresented in every way by the omission of circumstances which were favourable to the prisoners, by the invention of circumstances which made against them, and by a general license of ‘garbling;’ that the King’s motive for poisoning Overbury was a fear lest Overbury might in discontent reveal certain secret and unnamable vices to which Professor Amos supposed that the King, Somerset, Overbury and Overbury’s confidential servant were alike addicted; that the King’s motive for pardoning Somerset, after he had by such means sufficiently established his guilt, was fear lest Somerset should in revenge or in self-defense disclose the fact that he was himself the murderer of Overbury; and finally, that James was just the sort of man to do such things.”

James Spedding ⁶⁴⁴

⁶⁴⁴ James Spedding, *Works*, Vol. XII., pp. 11-13.